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The Application of Kotter's Model of Change in the Higher Education: A Case Study in Vietnam Private Universities

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ABSTRACT: With the changing demands of higher quality teaching profession, especially the increasing trend of studying at private universities, many fail to produce desired effects, even when guided by organizational change models. Educational specialists, educators, academics, school administrators, and even scientists have all contributed to the development of change management as a significant concept. The purpose of this study is to apply Kotter's 8-step model of change to educational administration of private universities in Ho Chi Minh City. Change efforts focus on enhancing faculty capacity to support diverse student success. The change process is planned using Kotter's (1996) eight-step change model and is therefore a regulated, linear, sequential change process. The initial steps were reviewed, and the strategies considered workable. This approach enhances faculty acquisition and project success. Characterization of each step provides insight into ways to apply Kotter's model of change in higher education settings.

KEYWORDS: Change Management, Educational Administration, Kotter's Change Model, Private University, Viet Nam

1. INTRODUCTION

Institutions of higher education are faced with a plethora of factors that require institutions to rethink as demographic changes, financial pressures, technological advancements and now a pandemic, all are catalysts for academic cultural change (Kezar & Eckel, 2002). In which universities and schools must always participate in the process of change to be successful with their students considering society's ever-changing needs (Speck, 1999). The first objective of universities is to provide proper education to youth to prepare them for the work market. Their next objective is to use research to generate new knowledge. A third objective is more contemporary goal compels universities to connect with societal demands and link their activities to their socioeconomic setting. Organizations are being urged to move away from an 'economistic' management strategy and toward a more 'humanistic' one (Melé, 2013). Similarly, colleges are encouraged to not only professionally qualified human capital, but also to cultivate students' moral and humanistic evaluative skills (Spitzeck, 2011), and to equip them to be change agents who care for others and society's well-being (Morris, 2011).

In 1986, Vietnam started the economic renovation, which is often referred to as economic reform. The country's remarkable economic growth rates during the late 1980s have been attributed to the economic reform, which replaced a centrally planned economy with a regulated market economy (WB, 2012). Many significant developments have occurred in national education reforms since the early 1990s. In addition, the country is confronted with both obstacles and opportunities. In terms of problems, according to Mac Cargo (2003), reforms have resulted in a significant growth in the number of students, the number and types of educational institutions, and the number and varieties of courses of study at all levels of education. However, he says, the national education system appears to be deteriorating in quality. When asked about opportunities in higher education by Viet Nam News on May 31, 2006, Deputy Minister of Vietnamese Education and Training Banh Tien Long stated that the overall goal of tertiary reform in the next 15 years (the country's global integration plan for education from 2006 to 2020) would be to achieve fundamental changes in the quality and scope of the system so that it could respond to socio-economic development and the pendulum of globalization. Similarly, Hung (2007) identifies five concerns, including the comparability of quality and standards, higher education's multi-nationalization, brain drains, intellectual property issues, and preserving a university as a learning organization. In terms of the leadership roles in the transformation of Vietnamese higher education, Hung (2007) contends that Vietnamese universities must undergo a radical change to increase the quality and efficacy of education in order to fulfill the diverse demands for human resources.

However, the decentralization must be affected in a step-by-step manner. The university needs a planned sequential path: The management of change needs to be considered and upgraded in the whole process of change. In this article, the author has deeply explored the factors affecting university governance, thereby based on Kotter's Model of Change (1996), building, and

establishing an appropriate model for the governance of Private Universities in Vietnam in general and Ho Chi Minh City in particular.

2. LITERATURE REVIEW
2.1. Change Management Models
Kotter lays forth an eight-step process for directing change, with leadership at the center. The three titles for these processes are "generating-consolidating-anchoring." Kotter's model resembles Lewin's (1947) "unfreezing-changing-refreezing" paradigm in this regard.

Step 1–Create a sense of urgency
The first stage of the transformation process emphasizes a growing sense of urgency and the need for collaboration. It's difficult to persuade important personnel to join in a change process when the urgency is low, and without incentive, the endeavor will fail. This first phase, according to Kotter, is critical since getting an organizational change program off the ground necessitates the aggressive participation of many employees, and he claims that 50% of the organizations he studied failed in the first stage (1995, 60).

Effective leadership is critical at this point in terms of instilling a feeling of urgency. In most circumstances, pushing individuals out of their "comfort zones" is difficult in a company with too many managers but not enough leaders. Because change necessitates the creation of a new system, leadership is always required. It takes around 80% leadership and 20% management to bring about change (Kotter 1998, 33). According to Kelman, the important task of leaders is to "create a sense of urgency—a recognition that the organization's prosperity and perhaps survival are on the line" (2005, 41).

Step 2 – Building the guiding team
While change in business practices is commonly referred to as organizational change, according to Kee and Newcomer, change is not truly organizational until it is preceded by individual and then team transformation. Major renewal projects, according to Kotter, often begin with just one or two people, and in the event of successful transformation attempts, the leadership coalition gets even larger. Organizations are less hierarchical but more complex in today's world, and leaders need internal and external stakeholder support (workers, partners, investors, and regulators) for a variety of activities (Kotter 1998).

According to Kotter, a good change management steering coalition should be built on three important values: high levels of trust, a common goal, and the correct mix of people. The steering coalition should allude to a position of power in the board, indicating that there are enough essential actors and front-line managers. In addition, the board should have sufficient competence in terms of multiple points of view, discipline, and work experience, credibility that the crew has a solid reputation so that employees can trust them, and leadership that the change agent has sufficient proven leadership qualities (Kotter 1996, 52-57). Efforts that lack a strong enough steering coalition may appear to be making success for a time, but the opposition eventually rallies and puts a stop to the transformation (Kotter 1995, 63).

Step 3 – Creating a vision
A vision is a picture of the future with some explicit or implicit commentary on why people should seek to achieve that future. It refers to a picture of the future with some explicit or implicit commentary on why people should strive to create that future. Vision also encourages people to behave in the right direction and aids change managers in coordinating the activities of many participants (Kotter 1995, 63). Kee and Newcomer explore the role of the leader in transformation, noting that effective leadership necessitates a vision-oriented rather than goal-oriented approach (2008, 55).

According to Kotter, without a clear vision, transformation efforts can quickly disintegrate, and incompatible projects can drive the company in the wrong direction or to nowhere. Furthermore, because a clear vision necessitates a clear grasp of plans and laws, excessive regulation has a negative impact on vision (1995, 63). Effective vision is both focused and flexible enough to drive decision-making while also accommodating human initiative and changing circumstances (Kotter 1998, 30). Changes in vision, clarity, operational mindset, and relevance, according to Cole, Harris, and Bernerth, can increase and facilitate employee understanding of the transition experience (2006, 354).

Step 4 – Communicating the vision
Employees will not make compromises, even if they are dissatisfied with the status quo, unless they believe that beneficial change is possible (Kotter 1995, 63). Furthermore, vision's true power is unleashed only when most people share a similar understanding of its aims and directions. Failures in vision communication are frequently attributed to lower-level employees' inability to communicate vision, as well as a general human tendency to resist change and, as a result, resistance to accepting change information (Kotter 1996, 85-86).

Executives that are more effective in their transformation initiatives use all available communication channels to convey the vision (Kotter 1995, 64). Intensive communication is required for change attempts, but true communication is achieved through actions. It is more powerful than messages and words (Richardson and Denton 1996, 207; Kotter 1995, 64).

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Step 5 – Empowering the action and removing obstacles

The generating phase ends after the fifth step, and the consolidation phase begins. Completing steps one through four of the transformation processes effectively already empowers people significantly. The goal of step five is to mobilize many individuals to act by removing as many impediments to the change vision's execution as feasible (Kotter 1996, 102).

Empowering employees literally implies providing them the power to do what needs to be done during the transition process. Empowering employees also includes giving them the knowledge, skills, opportunity, autonomy, self-confidence, and resources they need to manage and be accountable for change (Gill 2003, 308). (a) Information and personnel systems, (b) a lack of needed skills, (c) managers discourage employees from acting, and (d) formal structures make it harder for employees to act, according to Kotter. Change managers should align structures that obstruct action, train employees to provide them with the necessary skills and attitudes for the project, connect information and people systems to the vision, and challenge supervisors who undercut the change effort to eliminate such barriers.

Step 6 – Generate short-term wins

Since real transformation takes a considerable amount of time, short term goals and wins are useful in keeping the momentum. Without short term wins, there is a risk for people to give up, or become a change resistant (Kotter 1995, 65). The short-term wins should be related to change effort, unambiguous, and visible. Targeting short-term wins increases the pressure on employees and their commitment to the change effort (Kotter 1996, 121).

Step 7 – Build on wins

While short-term victories are vital for maintaining a sense of urgency, declaring triumph too soon would be disastrous. Furthermore, changes take time to transform an organization's culture, and declaring triumph too soon will aid irrational and political resistance in overturning the fragile new shape (Kotter 1995, 66). Another part of resistance to change, according to Laframboise, Nelson, and Schmaltz, is controlling people's feelings. Accepting change, especially when it concerns their work environment, can be tough for many individuals. Employee resistance can stymie change efforts, especially when it comes to projects that aim to change the way people work (2003, 306).Increasing credibility to change systems, structures, and policies that do not fit the vision; hiring, promoting, and developing employees who can implement the vision; and giving the process a boost with new projects, themes, and change agents are just a few of the actions Kotter suggests to consolidate improvements (1998, 32).

Step 8 – Embed changes into culture

Employees' common ideals and behavioral conventions are referred to as culture. It's not easy to integrate fresh approaches into established cultures. The common idea is that for a change initiative to succeed, it must first change the company culture. Change, on the other hand, occurs last, not first (Kotter 1996, 148-152). It may be difficult to anchor new techniques in cultures that are more status quo focused (Kee and Newcomer 2008, 69). When a new style of conducting business becomes the norm and permeates into the organization's bloodstream, the shift becomes a culture. Two key factors in institutionalizing change in corporate culture, according to Kotter, are a conscious effort to demonstrate the importance of new approaches, behaviors, and attitudes that helped improve performance, and the establishment of a promotion system that moves people to the next generation of top management who truly personify the new approach (Kotter 1995, 67).
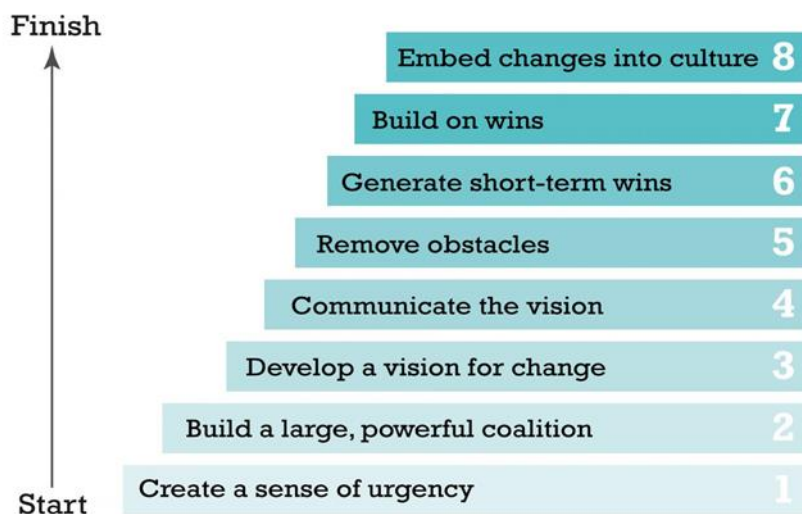
Figure 1. Kotter's 8 step model of change

2.2. Change Management Models in higher education institutions

In an approach known as managerialism, European universities are adopting strategies from the corporate sector to manage change, but institutions have not entirely adapted (Dunning, 2019). In 2018, the European University Association brought together executives from various universities to acquire a better understanding of the problems that face daily operations and strategies, with the goal of bridging the gap between strategy and execution. Pinheiro et al. (2019) identified signs of change in academic leadership as it transitioned from rotating systems involving peer election to a more managerial logic involving top-down order-giving, performance measurement, and appointed managers, resulting in the formation of a new academic profession.

Increasing credibility to change systems, structures, and policies that do not fit the vision; hiring, promoting, and developing employees who can implement the vision; and giving the process a boost with new projects, themes, and change agents are just a few of the actions Kotter suggests consolidating improvements (1998, 32).

Kotter's change model has been successfully utilized to lead or account for change in higher education settings, but it is more commonly associated with administrative and technological changes. Wentworth, Behson, and Kelley (2018), for example, described how Kotter's change model was used to replace a teacher assessment system. They credited their success to following Kotter's processes, but they also highlighted how these procedures applied to higher education. To fit within the shared governance paradigm and secure faculty buy-in, they underlined the need of including people elected by the faculty on the leading team. They helped faculty realize how the new system may assist tenure and promotion processes by giving more valuable and timely feedback, among other things, when they communicated the goal to them. They also made a point of being open and honest about how and why they adopted a particular system. Similarly, a dental school used Kotter's change model to overhaul their method to measuring student and program clinical results in response to statewide changes in dentistry education (Guzmán et al. 2011). Their success was dependent on matching incentive systems, such as awarding continuing education credits to interested academics and rolling out the new system in tiny pilots to gain faculty trust.

The Kotter change model was utilized to change faculty participation in a business school's accrediting efforts (Calegari, Sibley, and Turner, 2015). While their efforts were successful, they felt Kotter's change model did not provide enough guidance on how to get faculty buy-in. They emphasized the significance of transparency and communication, as did Wentworth, Behson, and Kelley (2018). They also discovered that after a short-term triumph, teachers needed to be re-engaged. Similarly, an examination of a top-down initiative to combine instructional technology and library services discovered that when faculty believed such victories were fabricated, it hampered their development (Sidorko 2008).

3. METHODOLOGY

The study was centered on a single case study location, Ho Chi Minh City's Private Universities. This study used a mixed-method approach that included both qualitative and quantitative data. Questionnaires and interviews were used to acquire historical secondary data from universities. The major variables identified in the conceptual framework of the change management model were used to construct a series of questions. To support case analysis, data was gathered from a second group of interviews with university management (deans/department heads), faculties, personnel, and students. The descriptive analysis is the statistical method utilized.

The following is an interview guide for change management tactics. The study's specific goal, as previously stated, was to uncover the drivers of change in the engagement and outreach paradigm in higher education.

Change Management Strategies include

- Active participation
- Persuasive communication
- Diffusion of learning
- Human resource management practices
- Formalization activities
- Rites and ceremonies: Symbolic public practices

Data Analysis

Data analysis was challenging due to the extensive corpus of secondary data that was available. We did a scrupulous data collection process, and then triangulated the comments of the interviewees with the secondary data we had access to. We proofread all transcriptions, and then moved all data units to MS Excel to code them and identify patterns.

4. RESULTS AND DISCUSSION

This section will be presenting the findings of management challenges of change at the Private Universities in Ho Chi Minh city. The discussion will be based on the theoretical model of change, especially based on the change model of John Kotter's Eight Phase Model (1996).

The Application of Kotter's Model of Change in the Higher Education: A Case Study in Vietnam Private Universities

4.1. Number of Respondents

The findings of this study were collected from 30 questionnaires along with interviewing with the respondents that included 40% deans, 15% department heads, 20% faculty and staff and 25% students (Fig 2)
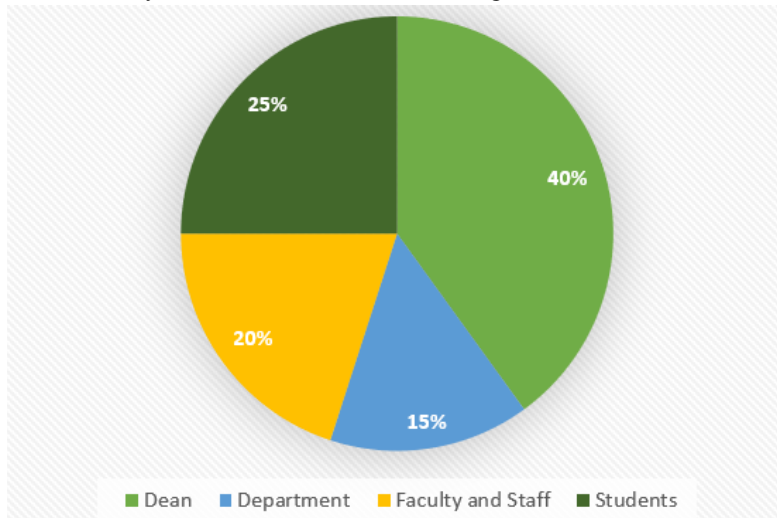
Figure 2. Number of qualitative surveys

4.2. Create a Sense of Urgency to the Need for Change

According to the figure 3 the results of study showed that 40% of the respondents presented sometime for the creating a sense of urgency to the need for change. There are 30% argued that rarely to create a sense of urgency for university change and 15% said mostly.
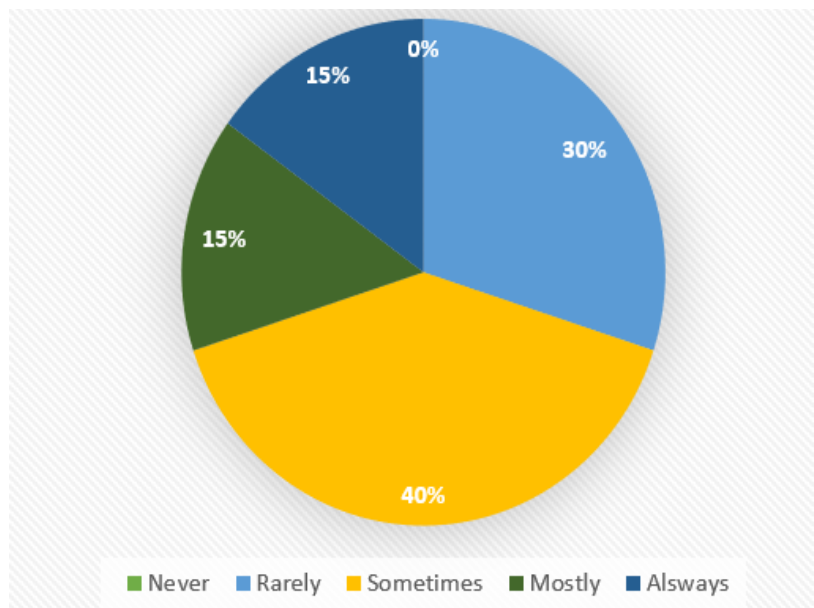
Figure 3. Create a sense of urgency to the need for change

4.3. Provide Evidence to Persuade the Need for Change

Based on the interview, there are 40% of the respondents argued that it is rarely in providing evidence to persuade the need for change of Private Universities, they said that sometime the change initiated from the top management without clear evidence to support the need for change. Renovations of buildings, conference rooms, libraries, and the campus atmosphere, for example, were addressed, as well as other issues such as bathrooms, cleaning, rubbish collection, classroom facilities, and Internet capacity, all of which demonstrated the need for change. There are 10% of respondents provided that the Private University has never provided clear evidence to the need of change and 40% of the respondents believed that there are sometimes.
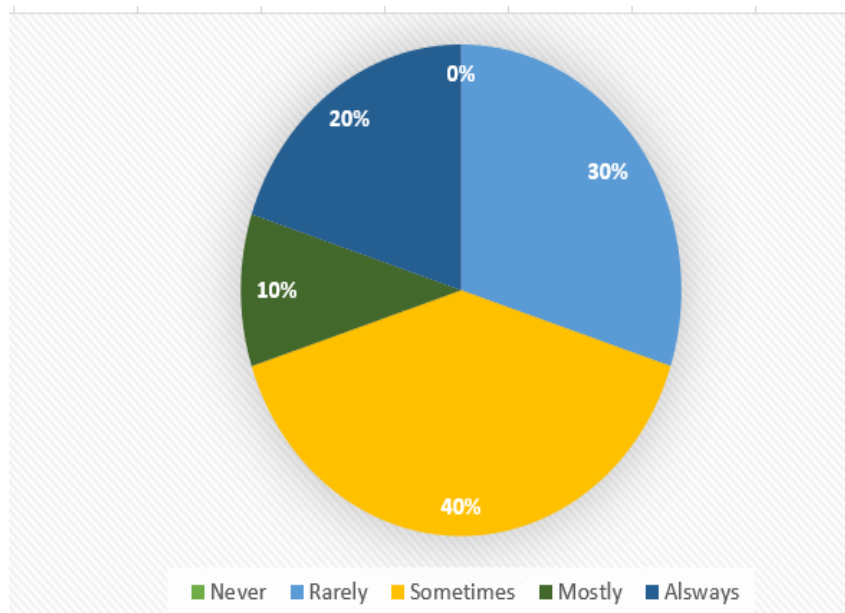
Figure 4. **Provide evidence to persuade the need for change**

4.4. Creating a Clear Vision for Change

Figure 5 indicated that there are 45% of the respondents argued that they are not clear about the vision of the university for change. They critiqued the lack of opportunity for discussion in the vision of change. They claim that upper management creates the vision statement without involvement or consultation, making it too broad to achieve. They stated that it is critical for the change vision to build faculty and staff commitment, as they will only support change implementation if they understand what we are going to accomplish and how we are going to achieve it. However, 30% argued that it was sometime the vision has been explained and did not clear. At least 15% of the respondents believed that the vision for change has been created clearly and only 15% of respondents provided never.
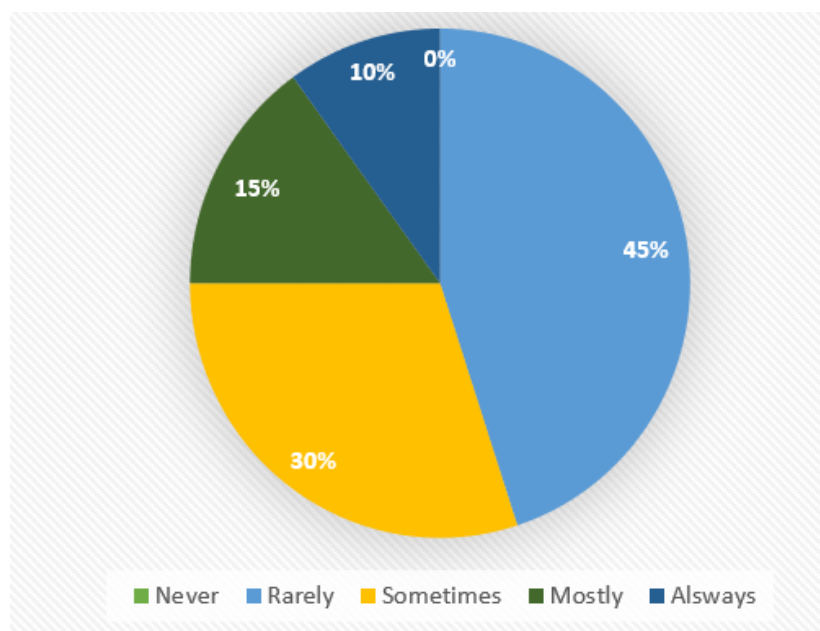
Figure 5. **Create a clear vision for change**

4.5. Develop Effective Strategies to Deliver the Vision of Change

Figure 6 showed that 48% of the respondents said that there is rarely to the development of effective strategic actions to deliver the vision of change. Most of the respondents said that there was not clear on the action plans for delivering the vision of change, they said the university should have workshop and training for at least three to four times to make understanding of how to implement the strategies and this is the way to offer opportunity for faculty and staff to develop commitment of change. There are 20% of the respondents provided sometimes and 19% presented mostly
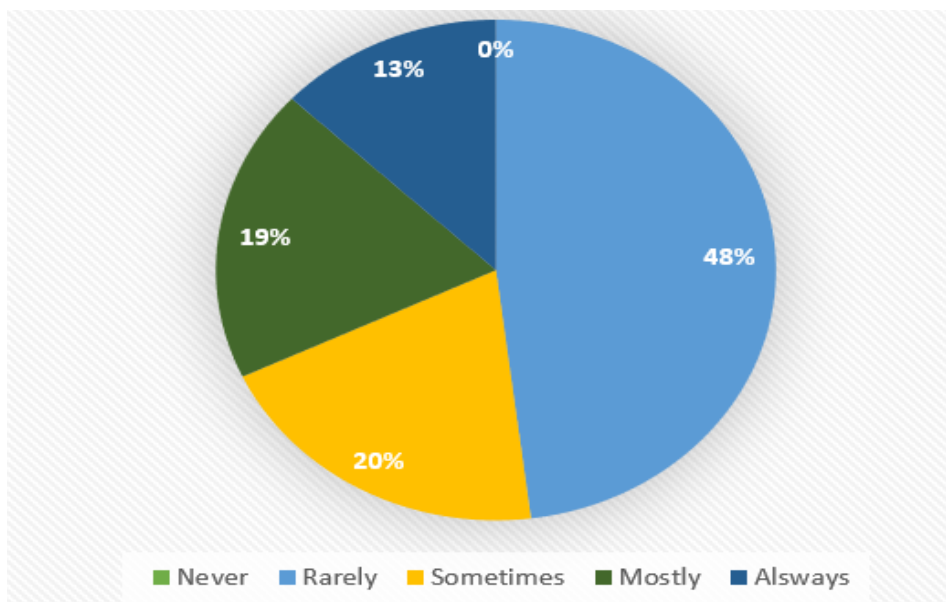
Figure 6. Develop effective strategies to deliver the vision of change

4.6. Clear Roles and Structure to Deliver the Change Vision

There are 40% of the respondents indicated sometimes to encourage people taking account to deliver the change vision. They said that their lack of positive motivation, sometime, they work hard but it seems to be not recognized by the management. There are 35% of the respondents argued rarely of encourage people to take in account for delivering the change vision, 19% said never and only 6% showed that mostly.
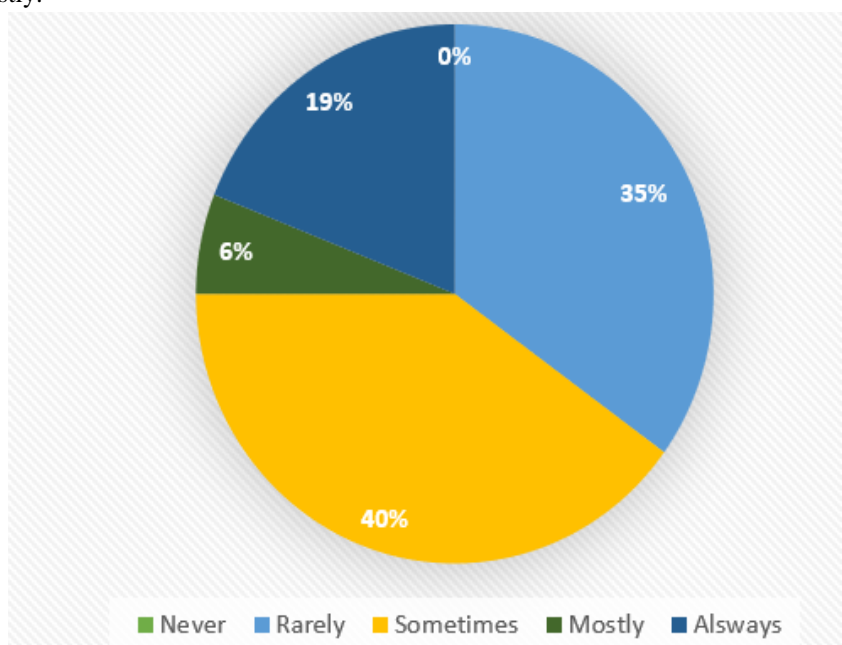
Figure 7. Encourage people take actions to deliver the change vision

4.7. Attitude towards the University Changes

The question on how your attitude toward the change of the Private Universities, in figure 8 showed that 52% of respondents hesitated to show positive or negative attitudes, they pointed that on neutral,means that they think there are not positive or negative. There are 23% of the respondents, however, showed that their attitudes are negative and only 16%was positive. At least 3% of the respondents are very pessimistic on the attitudes toward the change of the University, they feel that the change did not gain more benefits to them and affected to their relatives.
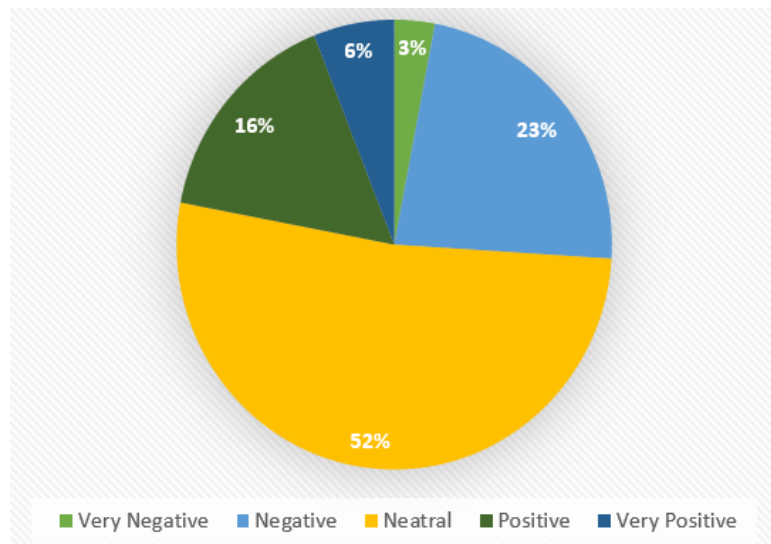
Figure 8. Attitude towards university change

4.8. Satisfaction after Change

Figure 9 indicated that 53% of the respondents are neutral on the satisfaction of work after change. According to the interview most of them feel that their working places are small, facilities and technology are not sophisticated enough, there are no personal room for dean and faculty to work or consult with students, not enough stationary for work operations, no petty cash for solving routine work problem, no staff support for each faculty, etc. There are 19% of the respondents, however, satisfied with workplace after change, they feel proud with the new environment of campus and 23% of the respondents are not satisfied with the change.
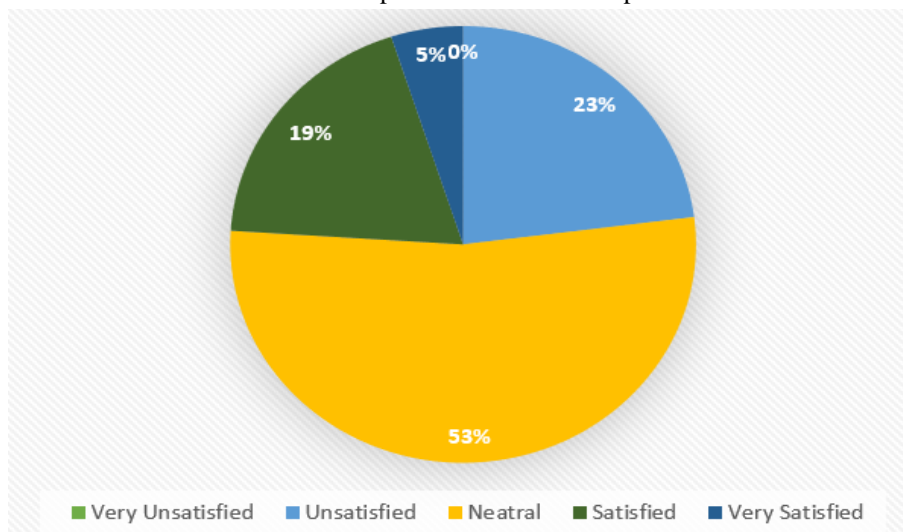
Figure 9. Satisfy with work after change

5. CONCLUSIONS

The results of interviews were used to construct ideas, validity, and reliability, as well as examine the influence of factors on change management in a university setting. It reveals that the majority of interviewees are enthusiastic about change management and the application of a new paradigm to private universities. Vietnam need a new model for establishing change management processes in private universities in Ho Chi Minh City in order to fulfill its educational role in the Vietnamese and regional learning environments. As well as promoting integration into the global educational environment in Ho Chi Minh City. Meanwhile, any educational institution in a country can undoubtedly choose the most appropriate model to adopt, administer, and build a change management process for the country's educational goals.

With Kotter's eight step change model apply in Private University has many benefits right along with its few deficiencies in implementation. The model is not related to the complexity theory, but this linear model provides a more predictable and manageable change process. The steps are mostly clear, understandable, and give guidance for the process. The focus is on the acceptance and preparedness for the change, which makes it an easier transitionChange in higher education is hard, or at least it can beIt is common to believe that it is nearly impossible for leaders to effectively implement significant change that is incongruent

with the institution's organizational culture because of the decentralized organizational structure, shared governance, and several other factors that make higher education a unique place to live and work.. This study provides evidence to the contrary.

The Private Universities has many change experiences from period to period and more people satisfied with the university after changes. The change of Private University was responding to the change in environment such as national and regional competitions, government policy, market demands, etc. The Universities, however, achieved its mission by serving the nation by providing several thousands of capable and socially responsible managers and entrepreneurs for Viet Nam society.

Limitation & Future research

The limitations of the study suggest two things:

- Firstly, the study focuses on the management of change of the private universities of a city, the final research papers can develop the research scale.
- Secondly, the analysis method of this study willuse only qualitative analysis, so that some variables use perceptual measures will lead tolimitation of making conclusion and recommendation. The authors recommend complementing the present findings through a quantitative study spanning a larger panel of participants and allowing a yearly follow-up starting from the date of their first experience in volunteering to gain a better understanding of the evolution of their mindset along with their practical experience.

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Implementation of Work from Home Institutional of Indonesian Migrant Workers Protection Agency (BP2MI) in the Second Year of the Covid-19 Pandemic towards Society 5.0

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ABSTRACT: The Covid-19 outbreak has affected changes in various sectors of life. With this change, of course, every organization needs new strategies, scenarios and leadership and management patterns to overcome all the uncertainties that occur in the Covid-19 pandemic. Government agencies are required to adapt according to dynamic conditions, and must be sensitive to the dynamics of changes that occur including how the implementation of work from home is carried out. For this reason, this research was carried out with the aim to find out how the implementation of work from home of the Indonesian Migrant Workers Protection Agency (BP2MI) institution in the second year of the Covid-19 pandemic. The research approach used in this research is qualitative methods. The data was obtained through interviews, observations and documentation.

KEYWORDS: BP2MI, Covid-19, Indonesia, Migrant Workers, Pandemic, Work from Home,

I. INTRODUCTION

The COVID-19 outbreak has affected various sectors of life. The World Health Organization (WHO) in 2020 has declared the Corona virus or Covid-19 as a pandemic. With the emergence of this Covid-19 outbreak, the condition of the economy, business, trade and organization has all changed. With this change, of course, every organization needs new strategies, scenarios and patterns of leadership and management to overcome all the uncertainties that occur during the Covid-19 pandemic [1].

During the current pandemic, government agencies are required to adapt according to dynamic conditions, and must be sensitive to the dynamics of changes that occur. The Covid-19 pandemic has changed many things and demands new arrangements and adaptations of habits in order to live productively and avoid the transmission of Covid-19. The new normal life order policy emerged as a rational calculation of forecasts for national economic conditions, compromise of a long enough time span and understanding that it is very likely that Covid-19 will never disappear from the face of the earth, so that people must explore the possibility of peaceful coexistence [2].

The challenges of the Covid-19 virus are unprecedented due to their impact on key aspects of the organization's existence and survival [3]. The impact of the Covid-19 pandemic is complex and leaves all organizations both private and government in chaos and uncertainty, with no apparent end in sight. Therefore all sectors must make changes in their working systems. Government policies in preventing the spread of the Covid-19 virus have been widely issued which of course has an impact also on service standards in all sectors.

The Covid-19 pandemic is not only damaging the joints of the economy but also the real sector. The implementation of the Activity Restriction system makes most business actors reduce or even close their business activities. Of course, this makes the leaders of an organization twist their brains in order to continue to survive in this uncertain situation. Likewise with the public sector with all system changes in this pandemic.

The implementation of government policies during the Covid-19 pandemic related to the new normal encourages people to remain productive. This of course also changes the systematics of public services in government agencies. This policy is contained in the Circular of the Minister of PANRB No. 67/2020 which is an amendment to Circular No. 58 of 2020 concerning the Work System of State Civil Apparatus Employees (ASN) in the New Normal Order [4]. The Circular contains adjustments to the work system for ASN to maintain the continuity of the implementation of tasks and functions in the administration of government and

public services to meet the new normal that is productive and safe from Covid-19 [5]. Bureaucratic changes in government agencies occurred, which were originally carried out normally, and turned to the new normal bureaucratic model. In the work system, there are two systems, namely the Work From Home (WFH) system and still working in the office / Work From Office (WFO) by observing and implementing health protocols.

The implementation of government policies during the pandemic has caused government public services to require employees to work from home so that various public services cannot be provided directly. At the same time, many institutions or institutions have experienced improvements related to information services. Seeing this condition, the government took various steps to adapt to this new normal order.

The Indonesian Migrant Workers Protection Service Agency (BP2MI) as a non-ministerial government agency engaged in the Protection Service of Indonesian Migrant Workers also applies the same related to government policies in the pandemic period. As a follow-up to the Minister of Manpower's Decision on The Temporary Termination of The Placement of Indonesian Migrant Workers and noted the widespread outbreak of the Covid-19 virus as a global health emergency, BP2MI temporarily suspended the Indonesian migrant worker placement (PMI) service in the destination country starting on March 20, 2020. With the temporary suspension, all information and consulting services are carried out online by utilizing information technology. Therefore, all employees need to improve their ability to use digital media, so that new working performance habits are formed so that they remain productive with digital media during the pandemic [6].

The Covid-19 pandemic has changed working conditions in government organizations, including at BP2MI. Circular regarding the rules for the work system of state civil servants in the new normal order issued by the minister for the utilization of the state civil apparatus serves as a guideline regarding changes to the work system in government institutions or institutions in Indonesia. The implementation of the WFH system certainly has an impact on the quality of public service delivery. One example is that public services have become somewhat hampered due to several factors in the service sector that cannot serve the community directly. So public service providers are challenged to always make innovations in providing services so that public services are not hampered, by making a breakthrough in the form of innovations in providing services so that services are not hampered such as providing services through an online system. This is in line with the implementation of e-government, which is an effort from the government in developing electronic-based service delivery by utilizing information technology [7].

The Covid-19 pandemic gave rise to several government policies that must adjust or adapt and respond to changes that occur. Challenges and obstacles in the implementation of bureaucracy are not easy things to overcome. Related human resources or apparatus must remain productive by complying with health protocols. The new normal phase is a new era where people return to activities, work and worship as usual but with new designs or ordinances. This new normal phase should make ASN still have a high performance in serving the community.

BP2MI as a government institution that is at the forefront in providing public services to prospective Indonesian migrant workers must adapt to existing conditions by utilizing information technology. The limited space for movement with the implementation of health protocols, makes information technology a means to support the implementation of service tasks to the community. The implementation of good services and supported by the management of human resources of the apparatus can determine the quality of good public services as well. With the limitations that occur during the pandemic, people must still be given their rights as citizens to continue to be served.

An effective performance management system is essential in times of pandemic. The success of any organization is highly dependent on how to recruit, motivate and retain a high-performing workforce [8]. Performance is the result of work in quality and quantity that can be achieved by an employee in the ability to carry out his duties in accordance with the responsibilities given by his superiors to him [9]. Managing performance so that it runs well must pay attention to important aspects such as the competence of its employees. If an employee is not sure that the given job cannot be achieved, then the expected performance will not be realized.

II. RESEARCH AND METHODS

This study uses a qualitative approach with a descriptive method. Data was collected by field observations and in-depth interviews, secondary data in the form of electronic documents and physical documents collected from data collection locations. Furthermore, the collected data is processed by summarizing and selecting things that are considered important and looking for themes and patterns. Presentation of data is done by describing the results of observations and interviews as outlined in the form of a description with narrative text, and supported by documents, photos, and pictures, to draw conclusions

III. DISCUSSION

The Covid-19 affects the work system of organizations, both private and government institutions. Government institutions or institutions apply the concept of work from home (WFH) as one of the new normal arrangements. Although it only became

popular during a pandemic, WFH has actually been around for quite a while and has been carried out by several professions. With the information technology currently developing, some experts believe that WFH is a future work concept.

WFH when translated literally means working from home without having to come to the office. The application of working at home has the aim of reducing crowds, preventing indirect transmission of Covid-19, reducing employee activities outside the home and maintaining the health of employees and their families. The application of the work from home or WFH system uses online media applications such as Zoom, Google Meet, Whatsapp, Line, Telegram, Google Drive and also the official website of the institution or institution [10]. Online media applications to support public service activities are strongly influenced by the use of data networks, if the network is good and the mastery of the application is also capable then the employee's performance will not experience obstacles and vice versa if the network and the mastery of supporting applications are not supported then the employee's performance will experience obstacles. The implementation of the work from home or WFH system must optimize the development of employee performance.

Referring to the rules from the Ministry of State Apparatus Empowerment regarding changes in the ASN work system during the implementation of activity restrictions during the pandemic, BP2MI also adapted the work system. ASN who are directly related to public services must continue to carry out their activities as usual in the midst of the Covid-19 pandemic. In carrying out public services to the community, BP2MI carries out a scheduling system so that government administration and public services continue to run smoothly. This is done to maintain the performance of government and public services in general. With the new normal order, of course there will be a new pattern in carrying out daily activities without ignoring health protocols. This is done to minimize the spread of the Covid-19 virus.

The physical presence of employees at work is carried out with a strict pattern of protection rules and with the implementation of a schedule for employees to work in the office or at home. ASN of BP2MI must still be active in public service, especially in service to Prospective Indonesian Migrant Workers (CPMI). If an institution stops serving the community, there will be a crisis and chaos [11]. Work from home (WFH) activities depend on the use of information technology as a means and infrastructure for online media applications, such as Zoom, Whatsapp group, Google Meet, Telegram and websites or applications from institutions or institutions. Therefore, employees must be able to master the use of online media applications to support work processes during the pandemic.

In implementing the WFH and WFO systems, one of the things used to assess employee performance is the attendance system. The attendance system that originally used fingerprints has switched to an online attendance system that can be accessed anywhere and anytime. This is because the use of fingerprint attendance accelerates the spread of the Covid-19 virus where employees have to put their fingers on the machine every day when they enter the office and go home from work and take turns. So as a prevention effort, an online attendance system is implemented that can be accessed by each employee wherever they are.

The employee attendance system is often used to ensure the commitment and responsibility of employees to their work to get maximum results and according to the goals that have been set [12]. The attendance system is very important to assess employee performance in terms of employee discipline and responsibility [13]. Employee loyalty and performance is not only determined by how often employees come to the office, adherence to organizational culture is also a consideration.

The application of online attendance through the BP2MI Personnel Information System Application has the benefit of increasing effectiveness and efficiency in the management of its human resources. Therefore, in the implementation of WFH or WFO, each employee must also fill in the e-performance that is adjusted to the main duties and functions of each employee that has been determined. The effectiveness of the implementation of online attendance policies during the pandemic must continue to be improved and adjusted from time to time because the government as a managerial employee / ASN continues to monitor the policies implemented. This application must continue to be improved in accordance with the needs and advances in information technology in accordance with developments.

The definition of absenteeism is an activity carried out by employees to prove that they are present or not present at work in an institution [14]. Attendance itself is related to the discipline of an employee. With online attendance, the recording of an employee's attendance can be seen in real time so that there is no manipulation of employee attendance data. This attendance recording affects the performance allowance system for each employee. Attendance is also used as an evaluation basis to assess employee performance results or performance appraisals in accordance with institutional regulations.

The adjustment of the work system at BP2MI was carried out in order to prevent the spread of the corona virus disease 19. Under the provisions for Activity Restrictions in accordance with the government's appeal, employees were asked to complete a self-assessment to ensure that employees were not infected with the Covid-19 virus. Employees who work in offices are required to run a PCR test with a negative result. In addition, it is prohibited to work in the office for employees who experience symptoms such as fever, cough, runny nose and other symptoms related to Covid-19. Setting the number of employees working in the office is 50% of the total employees in each unit so that there is always scheduling related to employee attendance at the office. In addition to this, there is an appeal for those who work with the WFO system not to use public transportation to prevent the spread of this virus.

The lockdown system at the institution was once carried out when there was an increase in the number of positive cases of the Covid-19 virus that occurred in employees. Lockdown can help prevent the spread of the Covid-19 virus to an area so that people in the area can avoid the rapidly spreading Covid-19 outbreak. Lockdown activities are part of the legislation contained in Law Number 6 of 2018 concerning Health Quarantine. The law discusses health quarantine at the entrance and in the area, carried out through observing diseases and public health risk factors for transportation means, people, goods and or the environment as well as responding to public emergencies in the form of health quarantine measures.

Regarding the obligation to show a negative Covid-19 test to work in the office, the Covid-19 virus examination is carried out in several ways in terms of sensitivity, namely by examining the molecular method, using PCR in the form of immunoglobulin examinations or antigen tests as an initial screening test effort and can be carried out. en masse. The goal is to find out as soon as possible the condition of employees who are positively exposed to the corona virus, so that further isolation efforts can be carried out and effective handling related to this.

To ensure that public services to the community can continue to run effectively, information technology is used to simplify the process. In addition, information to the public through changes in services in accordance with established standards is carried out through publication media so that the public can know and take advantage of these changes safely, quickly and comfortably.

Official activities such as official trips are carried out selectively according to the level of urgency and priority to be carried out by taking into account the applicable regulations. Meetings or meetings as well as coordination between stakeholders are carried out by utilizing the application of information and communication technology or through electronic media. If it is carried out offline at the office, you must pay attention to a safe distance in accordance with health protocols.

At this time related to meeting activities or meetings have been carried out in a hybrid meeting. With hybrid meetings, the concept of meeting is not tied to a specific location. Hybrid meeting means a combination of in-person and virtual, online, or cloud participation. For example, a meeting is attended by several people from the meeting room, while other participants join from home or other locations online [15]. Hybridization is a clash of civilizations which is an approach to creating a new culture as a form of globalization [16]. Almost all sectors have used the hybrid concept in the midst of the pandemic due to the impetus through the rapid growth of technology which is the main factor for hybridization.

With the WFH culture increasingly accustomed to the wider community of life, virtual meetings become one of the activities that can no longer be released Virtual meetings are an ease offered at the time of the pandemic. With the WFH culture increasingly accustomed to the scope of society, virtual meetings with hybrid systems become one of the activities that become solutions. Virtual meetings make the process of discussion, submission of opinions, until the settlement becomes smoother.

As the organizer of the wheels of government, ASN plays an important role in efforts to combat the Covid-19 pandemic. ASN is expected to provide an example of productive and optimal work, while carrying out health protocols in an orderly manner and succeeding the Covid-19 vaccination program nationally. As a public servant, ASN of BP2MI vaccinates in order to provide better services to Indonesian Migrant Workers. This employee vaccination program affects the working system in the new normal order in accordance with the circular of the minister of empowerment of the state apparatus and bureaucratic reform No. 24/2021.

IV. CONCLUSIONS

The public service system implemented so far certainly has various obstacles and problems. The Covid-19 pandemic has made all sectors in government innovate through digital transformation. The covid pandemic has provided many lessons for us in terms of governance of government bureaucracy. Under any circumstances, the government bureaucracy must remain at the forefront of the implementation of public services to the public. The era of the Covid-19 pandemic makes the implementation of bureaucracy optimize the utilization of information technology.

The utilization of information technology provides positive value in encouraging the successful achievement of the goal of implementing electronic-based government systems (SPBE). Public service innovation must continue to be developed as a step into the era of society 5.0. The concept of Society 5.0 is a human being who can solve various social challenges and problems by utilizing various innovations born in the era of the Industrial Revolution 4.0 and centered on technology [17] This view emphasizes that technology is a means, whereas humans remain the main actors.

V. RECOMENDATION

With the rapid and dynamic development of the environment / era of disruption, ASN must be adaptive, changing, and transformative and loyal to Pancasila, NKRI, and the constitution, and serve by maintaining integrity. ASN as a public servant is expected to be able to solve various challenges and social problems that utilize innovations that have been born in the industrial revolution 4.0, so as to encourage the implementation of agile organizational governance to improve organizational performance and productivity processes [18] Bureaucratic society 5.0 will encourage quality public services and improve the integrity and performance of human resources in the future [19].

Seeing the above, in the success of a bureaucracy for better organizational governance, it is necessary to increase and improve information technology infrastructure. In running their organization facing this era of disruption, the leadership of an institution must encourage its employees to increase their capacity in mastering information technology-based applications. In addition, employees must continue to innovate in improving public services with new ideas and ideas that can be accepted by the community.

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Rohingya to Myanmar Military Coup: International Efforts in Respond to Humanitarian Violations and Myanmar's Democracy Deprivation

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ABSTRACT: Myanmar is currently faced with conflicts mainly considered as crimes against humanity that require resolution sooner or later. The conflict in Myanmar is closely linked to ethnicity, creating a cycle of violence that continues to escalate without any possibility of diminishing. The inability of the state to address ethnic minority grievances or provide adequate security to communities has created a literal arms race among minority groups. More action needs to be taken to finally resolve the situation and crisis unfolding in Myanmar, and that is where countries in Southeast Asia play a very important role for conflict resolution. This research was carried out using qualitative method with descriptive analysis regarding to the situation that occurred in Myanmar, especially regarding the Rohingya crisis and the Myanmar Military Coup which was the focus of the research. The escalation of the humanitarian conflict and the deprivation of democracy by the Myanmar people, requires joint handling in order to avoid further expansion of the conflict. In this case, neighboring countries such as Indonesia have an important role as a driver of mediation in regional forums to resolve conflicts in Myanmar. ASEAN, as a diplomatic platform in the Southeast Asian region, must be put forward and reach a consensus for finally intervening in the Myanmar conflict, which is taking more and more lives. The United Nations with the principle of responsibility to protect can also play a role in overcoming the conflict, considering that the conflict has resulted in crimes against humanity that cannot be tolerated.

KEYWORDS: Myanmar Military Coup, Rohingya, Humanitarian Violation, Cooperation

I. INTRODUCTION

Conflict is defined as disagreement, disharmony, open or prolonged dispute, or can be defined as disagreement or friction. Conflict can be considered as an expression of hostility, negative attitude, antagonism, aggression, competition, and misunderstanding. When we define conflict based on its epistemology, conflict comes from the word "*confligere*" which means hitting each other. Conflict can be determined by the number of actors or groups involved, for example intra and interpersonal, intra and between groups, as well as intra and between countries. The level of conflict can be classified into three parts, namely individual level conflict, group level conflict, and organizational conflict. There are five types of conflict that can be found, namely individual, community, community, national, and international conflicts.

Currently there are two conflicts that occur in Myanmar, one of which is the Rohingya conflict which is still an ongoing conflict, and the coup that is currently being carried out by the Myanmar military. Both conflicts are considered crimes against humanity that require resolution sooner or later. The conflict in Myanmar is closely linked to ethnicity, creating a cycle of violence that continues to escalate without any possibility of diminishing. The inability of the state to address ethnic minority grievances or provide adequate security to communities has created a literal arms race among minority groups. The Rohingya genocide is the result of the Myanmar military government's deliberate policies and unplanned consequences that have led to a higher level of conflict between groups in Myanmar. In addition to the ethnic cleansing that is taking place in Myanmar, the country is faced with another conflict over a coup by the Myanmar military to seize power by detaining several politicians, including civilian leader Aung San Suu Kyi, whose party won in November's general election.

During decades of independence, Myanmar has struggled with military rule, civil war, isolation from global affairs and widespread poverty. However, the Myanmar military, or what we know as the Tatmadaw, maintains its dominance in many aspects of internal affairs. Military and civilian leaders have faced international condemnation for ongoing human rights abuses and brutal violence against civilians including Rohingya Muslims as a reported attempt to carry out genocidal intent (Maizland, 2021). The international community, in this case, needs to work together to prevent a larger-scale conflict and as a resolution to resolve the Myanmar conflict. Several countries have taken actions in response to the conflict in Myanmar such as medical

supplies, even opening borders for Rohingya civilians to flee. But more action needs to be taken to finally resolve the situation and crisis unfolding in Myanmar, and that is where countries in Southeast Asia play a very important role for conflict resolution.

II. RESEARCH METHOD

This research was carried out using qualitative method with descriptive analysis regarding to the situation that occurred in Myanmar, especially regarding the Rohingya crisis and the Myanmar Military Coup which was the focus of the research. The descriptive research is executed through the process of finding a problem that can be used as an object of this research through various social issues and phenomenon; and mapping of previous research and theories that can be used to analyze the object of this research (White & Sabarwal, 2014, pp. 1-2). Qualitative methods and descriptive analysis allow analysis through exploration, discovery, to inductive logic to explain the object of the research through phenomenon (Nugrahani, 2014, pp. 31-32). Data collection in this research is done by literature studies as the basis for the information needed by researches regarding the phenomenon in Myanmar. Through literature studies, the data obtained in the form of books, journals, research reports, newspapers, scientific articles, documents, and interview results are utilized to form an understanding of the crisis in Myanmar and international efforts to respond humanity violations in Myanmar.

III. LITERATURE REVIEW: INTERNATIONAL COOPERATION

International cooperation often occurs and is very closely related in the life of the international community and the life of the state with the various actors who run it. As stated by Joseph Greico in his work, international cooperation will occur if there are objective interests. Cooperation can take place in a variety of different contexts, most relationships and interactions in the form of cooperation occur directly between two or more actors who have the same interests or problems at the same time. Other forms of cooperation carried out by countries that are in international organizations or institutions (Greico, 1990). Then there is according to K.J Holsti explaining international cooperation is cooperation carried out by countries that are interconnected by proposing solutions, negotiations or talks about the problems at hand. Express various technical evidences to support the problem and end the negotiations by forming an agreement or mutual understanding that is agreed upon by all parties (Holsti, 1992).

In short, international cooperation was formed with the aim of increasing mutual prosperity. International cooperation has various forms according to the interests and objectives of the parties involved. According to Pfaltzgraff in his work, international cooperation is divided into 3 parts, namely (Pfaltzgraff, Dougzgherty, & Robert, 1997):

1) Bilateral Cooperation
   Cooperation or agreement conducted made by two countries that are Treaty Contracts
2) Regional Cooperation
   Cooperation or agreement made by several countries located in an area and is limited to Law Making Treaty and Treaty Contract
3) Multilateral Cooperation
   Cooperation or agreements made by various countries that are not limited to certain areas and have an international nature with Law Making Treaty.

IV. ROHINGYA CONFLICT BACKGROUND

The Rohingya are a highly persecuted Muslim group who faced discrimination from their nation, and are not considered citizens by the Government of Myanmar. They are one of the many ethnic minorities in the country and represent the largest percentage of Muslims in Myanmar (BBC News, 2020). In particular, the suffering and displacement of the Rohingya people first began in 1978, when General Ne Win launched "Operation Dragon" to exterminate illegal foreigners. Its main purpose was to frighten the Muslims and force them to leave Arakan. The conflict took new forms of violence in 2012. Buddhist nationalist groups have boycotted Muslim shops, expelled Muslims from Myanmar, and attacked Muslim communities. After waves of violence and riots in June and October 2012, more than 100,000 Rohingya Muslims were displaced and hundreds more were killed (Global Conflict Tracker, 2021).

The Myanmar government's discriminatory policies have been going on since the late 1970s and have forced hundreds of thousands of Rohingya Muslims to flee their homes in the Buddhist country. Most have crossed to Bangladesh, while others have already gone to sea to reach Indonesia, Malaysia and Thailand. In early 2017, there was another return of violence including rape, murder and arson that fueled the Rohingya exodus. The Myanmar Security Forces claim that they have recently launched a campaign to restore stability in the western region of the country. The Myanmar government has institutionalized discrimination against the Rohingya through restrictions on marriage, family planning, employment, education, religious choice and freedom of movement. Widespread poverty, poor infrastructure and a lack of job opportunities have exacerbated divisions between Buddhists and Rohingya Muslims. This tension is influenced by religious differences which sometimes escalate into conflict (Albert & Maizland, 2020).

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Ethnic Cleansing is an attempt to drive Rohingya out of the country or at least to refugee camps. The Rohingya are not considered citizens of Myanmar. They have many boundaries and their land has been confiscated by the government and military forces. They are not accepted by the local Buddhist community. Rakhine Buddhists believe that the increasing number of Muslims in this area poses a risk to their identity, who perceive Muslim culture as a threat to Buddhist culture (Mazhar & Goraya, 2016).

V. MYANMAR MILITARY COUP BACKGROUND

On February 1, 2021, the Myanmar military took control after the general election won by the NLD Party, Ang San Suu Kyi. The opposition, namely the Myanmar military, demanded a re-election because they claimed that the election was rigged. However, this claim is not supported by concrete evidence, so it cannot be justified (Cuddy, 2021). Ang San Suu Kyi, the country's de facto leader, President Win Myint, and other senior members of the National League for Democracy (NLD) party were detained in the capital, Naypyidaw, on Monday. A range of charges have been faced, including official state covert action, possessing illegal walkie-talkies, and publishing information that could provoke fear.

Now, military chief Min Aung Hlaing has taken over state power. This is a moment long used to successfully maintain the power of the Tatmadaw, even as the country moves towards democracy. Residents of the country's largest city, Yangon, say history is repeating itself, with fears that the following years will be meaningless. The military justified their takeover by alleging widespread voter fraud during the November 2020 general election that gave Suu Kyi's party another overwhelming victory and dashed hopes for some military figures that the opposition party they supported could take power democratically (Regan, 2021). But according to analysts, the coup was driven by the power and personal ambition of a military chief who felt he had lost control and respect.

Assistance Association for Political Prisoners (AAPP) documented that at least 133 government officials and legislators and 14 activists have been detained since Monday. Suu Kyi is under house arrest, charged with violating the Export-Import Act, while ousted President Win Myint is accused of violating the Natural Disaster Management law. On Sunday, thousands of people took to the streets in Yangon for the second day in a row to stage a massive protest against the military's seizure of power. Myanmar will be under the military's will - and a state of emergency - for at least a year and Min Aung Hlaing said elections would be held once the fraud investigation is complete, although analysts say they want to ensure Suu Kyi does not run (Regan, 2021).

VI. INTERNATIONAL EFFORTS IN RESPOND TO THE CONFLICTS OCCURING IN MYANMAR

The world has focused its attention on the ongoing conflict in Myanmar. Despite the ongoing COVID-19 pandemic, international organizations see the conflict in Myanmar as a serious problem if left untreated. Various countries have criticized Myanmar, and urged the parties involved to refrain from further action and engage in dialogue to resolve the conflict as soon as possible. The role of international organizations in the Myanmar issue can be seen from several efforts, including ASEAN as a regional international organization who is responsible to conduct peace and stability in the region. Indonesia, as a country that is in the same region as Myanmar, is also concerned about this because if it is not handled it can become a seed for the emergence of problems in the area and safety of the Myanmar people. For starters, citing the Minister of Foreign Affairs of Indonesia, Retno Marsudi, Indonesia has urged the parties involved to exercise restraint and pursue dialogue in finding solutions to the challenges they are experiencing. Indonesia also urges to pay attention to the principles of the ASEAN Charter, including compliance with the rule of law, good governance, democratic principles, and constitutional governance (Assegaf, 2021).

In terms of diplomacy, Indonesia can also play an important role. Indonesia may not be able to intervene directly due to the fact that it is not involved in the Myanmar national conflict. But despite its inability to intervene directly in the conflict, Indonesia can use diplomacy to negotiate with other ASEAN members to resolve the conflict. As we all know, Myanmar is a member of ASEAN, and so is Indonesia. ASEAN will be a diplomatic platform for conflict resolution. Indonesia as the older brother of ASEAN can be a driving force for negotiations so that ASEAN members can reach a consensus on conflict resolution. ASEAN may uphold the "Principle of Non-Interference" but it is certain that there is a consensus among ASEAN members to finally intervene and take action in the Myanmar conflict as a way to maintain stability in the region and to prevent further crimes against humanity in the country.

Regarding the Rohingya issue, the Indonesian government must further strengthen its diplomatic approach to resolving the conflict that has been carried out. Humanitarian assistance is an important need at this time, but ensuring that Myanmar solves the Rohingya problem and does not use a repressive approach is also something that must be done. The Indonesian government plays an important diplomatic role that has been accepted by the Myanmar government, along with the bilateral cooperation with the Myanmar military. In this regard, maximizing the role of Indonesia's diplomacy with the Myanmar government is one of the possible actions that can be taken immediately to stop the violence that is not prolonged and reach an agreement to prevent future threats (HRWG, 2017). Indonesia's efforts to address the Rohingya crisis are based on high-level diplomacy and humanitarian assistance. Indonesia provided humanitarian assistance to the camps with the Indonesia Humanitarian Alliance (IHA) coalition led

by Nahdatul Ulama and Muhammadiyah. But President Jokowi is in no condition to take dramatic action because it will jeopardize his relationship with Myanmar (Institute for Policy Analysis of Conflict, 2018).

On the other hand, in response to the ongoing coup in Myanmar, Indonesia is rallying support for a selective and constructive response to the coup and for holding a special summit among ASEAN members. Some countries may refuse to cooperate, but Indonesia with the power of diplomacy can convince the country to focus on transitioning back to democracy as it has done since the military took power. Realistically, Indonesia is not in a position to help facilitate this process, but it also has other options. Constructive dialogue would be a possible solution for ASEAN. ASEAN is in a strong position to impose sanctions on the military, given the close economic ties between Myanmar and the rest of Southeast Asia. ASEAN is currently putting these possibilities into action (Haan, 2021).

Other countries outside ASEAN have also taken action to respond to the conflict in Myanmar. Several countries, for example, New Zealand announced the suspension of all high-level political and military contacts with Myanmar, imposed travel bans on Myanmar's military leaders, and suspended aid to the government. On the same day, the European Union imposed a series of restrictive measures against Myanmar, including an embargo on arms and equipment that may be used for internal repression, as well as restrictive measures against 14 senior military officers. Canada also imposed additional sanctions on the nine military leaders involved in the coup. These sanctions can have far-reaching international consequences. It is imperative that countries that impose sanctions on Myanmar take effective steps to enforce action. It is also important for governments to act together, target sanctions appropriately, and focus on effective communication to military leadership about what they need to do to get those measures lifted. This condition can cause Myanmar to finally resolve the conflict for sanctions to be lifted by the countries that enforce it (Human Rights Watch, 2021).

The widespread blood fighting waged by Myanmar's military has also been condemned by the United Nations. Alice Nderitu, Special Advisor for the Prevention of Genocide, and Michelle Bachelet, High Commissioner for Human Rights, strongly condemn the Myanmar military's widespread, deadly and increasingly systematic attacks on protesters and other crimes and violations of humanity since the military took power on February 1. Senior officials also asked the Security Council to build on its March 10 statement condemning the violence, among other things, and for the Association of Southeast Asian Nations (ASEAN) and the wider international community to act immediately to protect people from atrocities. Although the State has the primary responsibility to protect its population, in cases where it does fail, the international community "must take timely and collective action in accordance with the Charter of the United Nations to protect the civilian population at risk of atrocities (Hein, 2021)

VII.CONCLUSION

The escalation of the humanitarian conflict and the deprivation of democracy by the Myanmar people, requires joint handling in order to avoid further expansion of the conflict. In this case, neighboring countries such as Indonesia have an important role as a driver of mediation in regional forums to resolve conflicts in Myanmar. Not only that, criticisms from other countries are the first step in responding to the conflict. However, simply condemning is not enough to tackle crimes against humanity in Myanmar. For this reason, ASEAN, as a diplomatic platform in the Southeast Asian region, must be put forward and reach a consensus for finally intervening in the Myanmar conflict, which is taking more and more lives. The United Nations with the principle of responsibility to protect can also play a role in overcoming the conflict, considering that the conflict has resulted in crimes against humanity that cannot be tolerated.
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Principles of Legality in Criminal Law from Perspective Fair Enforcement

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ABSTRACT: This study discusses the principle of legality in criminal law from the perspective of fair law enforcement. The formulation of the problem put forward is how to regulate the principle of legality in current criminal law and how the principle of legality in criminal law is currently from the perspective of law enforcement that is just. The conclusion of this study is that the regulation of the principle of legality in criminal law is currently regulated in Article 1 paragraph (1) of the Criminal Code which is the principle of formal legality, which requires an act committed to be determined as a criminal act if it is first stated in the legislation that valid at the time the act was committed, from the perspective of fair law enforcement, the legality principle in criminal law currently cannot be used as a basis for carrying out fair law enforcement, because in this legality principle it implies that an act is qualified as a mere criminal act. only based on legislation (written legal regulations). In the opinion of the author, that law enforcement that adheres to the principle of legality can only achieve legal certainty, but has not been able to realize justice. Justice should be realized through law enforcement which is not just formal justice according to the formulation of the law, but also substantial justice, namely justice that is truly in accordance with the sense of community justice based on the living law.

KEYWORDS: The Principle of Legality, Criminal Law, Law Enforcement, Justice

I. INTRODUCTION

Lawrence M. Friedman, argues that the components in the legal system consist of legal structure, legal substance, and legal culture. The problem of law enforcement is a problem related to the legal system as a whole. Enforcement Law is influenced by the legal structure, legal substance, and legal culture. The operation of the law as expected is very dependent on the existence of the institution judiciary and the people involved in it, the conditions of the rule of law applicable, as well as the legal culture of the community [1].

The principle of legality is included in one of the components of the legal system, namely substance law. As a principle, the principle of legality is a basic principle that will affect the application and enforcement of laws. According to Moeljatno, the principle of legality (Principle of legality), the principle that determines that there are no prohibited acts and is threatened with criminality if it is not determined in advance in the legislation. Usually it is known in Latin as nullum delictum nulla poena sine praevia lege. (no offense, no criminal without prior regulation).

The principle of legality is primarily intended to provide guarantees to individuals, so that individuals are not arbitrarily brought to justice and sentenced by the court without being based on the rule of law relating to the act that has been committed done [2].

According to Barda Nawawi Arief, there are 4 problems related to enforcement law, namely: the problem of the quality of human resources for law enforcement; enforcement quality problems the law "in abstracto" (the process of establishing a statutory product; problems law enforcement "in concreto"; and the problem of the quality of the legal culture (knowledge and legal awareness) of the community. The principle of legality and the realization of justice in enforcement. The law concerns two of the four problems, namely the problem of law enforcement "in concreto", namely how the rule of law is applied to solve the problem concrete cases; and problems of the quality of the community's legal culture, which in this case, it is a matter of whether the community feels it is fair or unfair.

When the principle of legality is applied, and the law is equated with meaning, law, it is easier for legal certainty to be realized. Is an act is said to violate the law or not, the size is clear namely the formulation in the law. However, legal certainty is not synonymous with justice, and legal certainty does not automatically guarantee fulfillment of justice. Social life is not only regulated by law, but must also be guided by religion, morals, decency and other social rules. Law is closely related to social

rules. Law as a social rule cannot be separated from the values that apply in a society. Law as a mirror of the values that live in society. The law is called good if it is in accordance with the living law in society [3].

Indonesia is a state of law as stated in Article 1 paragraph 3 of the 1945 Constitution of the Republic of Indonesia. Law comes from values that live in society, both written and unwritten, where there are many sources of unwritten law. found in Indonesia. The form of this unwritten law can be in the form of customary law or local wisdom whose existence is still recognized as a norm and has binding power and sanctions. Settlement of legal cases that have attracted public attention, such as that experienced by Mbok Minah who committed the act of "stealing" three cocoa beans, the case of the theft of a watermelon in Kediri, East Java; In the case of the theft of sandals by a child in South Palu, Central Sulawesi, all of this cannot be separated from the application of the principle of legality in law enforcement [4].

The presence of law in the midst of society, among others, is to realize justice. However, in reality the judges' decisions are a form of implementation Law in concrete cases in society often causes controversy. Not support for the judge's decision because the perpetrator has been punished, but rather the attitude of "regret" why such a sentence must be handed down. The question that arises as stated above is what kind of justice is to be realized, justice according to the sense of community justice or justice according to the formulation of the law [5].

From the things that the author describes in the background above, the problems raised in this study are:

1. How is the regulation of the principle of legality in the current criminal law?
2. How is the regulation of the principle of legality in criminal law today from the perspective of just law enforcement?

II. RESEARCH METHOD

This research is classified as normative or literature research. Data which will be used in this study is secondary data. Secondary data is a type of data obtained indirectly from the source, such as reading materials in the form of books, papers or research results, documents, laws and regulations, court decisions, statistical data and so on.

The research tool that will be used in this research is a literature study search, namely examining legal materials, both primary legal materials, secondary legal materials and tertiary legal materials related to the problems to be studied and researched in order to strengthen secondary data analysis.

The data analysis method used is descriptive qualitative method, which is to find and collect data that has to do with the objects and problems to be studied which are then taken and arranged systematically to get a clear and complete picture. After obtaining secondary data, namely legal materials in the form of primary, secondary and tertiary legal materials, they are then processed and analysed with a qualitative method, namely re-exposure with systematic sentences to
provide a clear description of the answers to existing problems, which are finally stated and presented in the form of a description (descriptive), which then draws a conclusion on the problems and research results.

III. DISCUSSION

A. Regulation of the Principle of Legality in Current Criminal Law

According to Dupont, the principle of legality is the most important principle in criminal law and according to Lilik Mulyadi, studied from the perspective of positive law (ius constitutum) the principle of legality is regulated in the provisions of Article 1 paragraph (1) of the Criminal Code which is the principle of formal legality. Theoretically, based on the meaning of the principle of legality by several criminal law experts, among them are that: a criminal act must first be regulated in laws and regulations; punishment of living law, custom, or customary law/unwritten law is not allowed or prohibited. Based on the meaning of the legality principle, the basis for determining a criminal act is that an act is said to be a criminal act, which must be determined in advance in the legislatio [6].

Determining which acts are considered as criminal acts, according to Moeljatno, we know a principle called the principle of legality or the principle of legality, namely the principle that determines that every criminal act must be determined as such by a rule of law (Article 1 paragraph (1) of the Criminal Code). The same thing was also conveyed by Roeslan Saleh that regarding the determination of criminal acts, everything is regulated by law [7].

The principle of legality is seen as the most important principle in Indonesian criminal law, therefore it is regulated in the Criminal Code, as a baboon or parent of criminal law. The regulation of the principle of legality in Book I (one) of the Criminal Code concerning General Provisions has the consequence that the provisions of the principle of legality apply to crimes regulated in Book II as well as violations in Book III of the Criminal Code. The same applies to all criminal laws and regulations regulated outside the Criminal Code, unless the Act makes deviations (lex specialist derogat lex generalis) [1].

The principle of legality is essentially about the scope for the application of criminal law according to the time and source/legal basis (legalization basis) can be punished. an act (so as a basis for criminalization or a juridical basis for punishment).

The formulation of the principle of legality in Article 1 of the Criminal Code (WvS) consists of 2 paragraphs which are complete as follows:

1. No act can be punished except by the force of the rules criminal law in pre-existing legislation the deed is done.

2. If after the act has been committed there is a change in the legislation, the lightest (favorable) rule is used for the defendant.

Regarding the meaning of the principle of legality as formulated in the Criminal Code/WvS mentioned above, according to Sudarto, it brings 2 consequences, namely:

a) That someone's actions that are not listed in the law as a crime cannot be punished. So with this principle there is no unwritten law power to apply.

b) There is an opinion that there is a prohibition on the use of analogies to make an act a criminal act as formulated in the law.

According to Groenhuijsen quoted by Komariah Emong Sapardjaja, there are four meanings contained in this principle. Two of the first are addressed to legislators and the other two are guidelines for judges. First, legislators may not enforce a criminal provision with retrograde effect. Second, all prohibited acts must be contained in a clear formulation of the offense. Third, judges are prohibited from stating that the defendant committed a criminal act based on an unwritten law or customary law. Fourth, it is forbidden to apply analogies to criminal law regulations [8].

According to Moeljatno, there are three meanings contained in the principle of legality. First, there is no action that is prohibited and threatened with a criminal if it has not been stated in a statutory rule. Second, in determining the existence of a criminal act, analogies should not be used. Third, the rules of criminal law are not retroactive [9].

B. The Principle of Legality in Current Criminal Law from the Perspective of Fair Law Enforcement

Gustav Radburch argues that basically, the law aims to realize legal certainty, justice and expediency. When all these goals collide, then what is put forward is expediency. The goal to be achieved in criminal law is not only legal certainty but justice, especially expediency [10]. Furthermore, in interpreting and realizing justice, the theory of Natural Law from Socrates to Francois Geny still maintains justice as the crown of law. Natural Law Theory prioritizes "the search for justice".

The characteristic of Pancasila justice is to humanize humans in a fair and civilized manner according to their human rights. The characteristics of Pancasila justice are moral rules and values about truth, namely justice which serves as the basis for establishing legal justice in the formation of legislation that adopts the values of justice based on Pancasila as the nation's ideology (rechtsidee). According to von Savigny's opinion, society is constantly evolving as well as laws that are created rhythmically following the development of humans and providing their regulations in life. Therefore, according to the historical flow, the codification or formulation of a norm in the law will have a negative effect on the protection of society, which in fact continues to grow [11].

The historical school firmly rejects the principle of legality because it hinders the development and recognition of customary law that has already existed in society. In addition, arguments are often given because the law itself has proven to be unable to accommodate every need of the community, especially criminal law when it comes to the modus operandi of crimes that are constantly evolving.

In every society there is always a law that serves to regulate their behavior. Even the law is part of the cultural development of society. No wonder it is said that law is a product of culture (law as a product of culture). Martin Kryger states that "law as tradition". Therefore, the development of culture is always followed by the development of law or vice versa the law develops and grows along with the development and growth of the culture of the people. This indicates that the law cannot be separated from the community. Society is the main source of law. No wonder Ronald Dworkin stated that society is the fabric of rules. A cultured society always produces its own laws. Every society produces its own types and kinds of laws. Every society always image the law according to the culture of each society [12].

Therefore, every society always produces legal traditions that are different from other communities, for example, the civil law and common law legal traditions have different characteristics because the two legal traditions develop and grow in the cultural life of different communities. From this premise, every society has the living law that has developed and grown since society was formed. The living law is born from the social life of the community which is materially practiced continuously and then the community obeys it based on moral duty, not because of the coercion of the sovereign. The living law can be sourced from customs/traditions, religion, and others. Therefore, it is a wrong view if there is a view which states that in traditional societies there are no rules of behavior called laws [13].

Humans are culturally rational creatures, so they will always form cultural institutions to prevent chaos and conflict between them. Humans are not only created with a desire to hate, be hostile, and destroy each other, but humans are also given a sense to love each other, love each other, and love peace. The law was born to balance the two characters that exist in humans. Indeed, the law cannot eliminate human vices as a whole, but the law controls so that humans do not become demons. Likewise, the law cannot make humans into angels, but at least the law directs humans to become better social beings. On this basis, the law has been born since humans were in groups, not since the state existed [14].

In every society there are always laws that grow and develop which serve as guidelines for behavior. The law is known as the living law in the form of customs, customs, beliefs, and so on. The living law has a role that is not inferior to positive law in managing human relationships. The term the living law was first put forward by Eugen Ehrlich as the opposite of the word state

law (law made by the state / positive law). For Eugen Ehrlich the development of law is centered on the community itself, not on the formation of law by the state, judges' decisions, or on the development of legal science. Eugen Ehrlich wants to convey that society is the main source of law. Law cannot be separated from society. On this basis, Eugen Ehrlich states that the living law is the law that dominates life itself even though it has not been included in a legal proposition [15].

From the opinion above, it can be seen that the living law is a set of provisions whose birth coincided with the birth of society. Law cannot be separated from society. Law is formed by the community, and the law functions to serve the interests of the community. Therefore, for Eugen Ehrlich, state law is not something that is independent from social factors. State law must pay attention to the living law that has lived and grown in people's lives. In this regard, Eugen Ehrlich stated: "The rules of law were not lifeless constructions which existed independently of the social reality. On the Contrary, they are parts of the "living", i.e. functioning and effective order of social communications, which protect certain interests privileged by society and discriminates those interests that are denied and disapproved by society. Society itself engenders a general order of societal relations, which later is put into legal forms by social groups and individuals who act thereby in the capacity of lawmakers (in the broader meaning, as specified above)".

In addition to the opinion of Eugen Ehrlich above, the concept of the living law can also be seen from the historical school with its main exponent Friedrich Karl von Savigny. F.K. von Savigny put forward his theory as a rebuttal to the transplantation of Roman law and the codification of German law into French law. To that end, F.K. von Savigny put forward the theory of Volksgeist (national character, nationelgeist, volkscharacter, soul of the nation) which states that law is born from the beliefs of the nation [16].

Furthermore, F.K. von Savigny stated that law is one aspect of culture that lives in society. Therefore, the law is found in society, not created by the powerful. Law is a reflection of the soul of a nation that is unique and fundamental which differs from one nation to another. Law is not made by nature or God, but the law can be traced in the pulse of people's lives. Law is the most important part of the life of society and the nation. Law exists, develops, weakens and strengthens according to the conditions of society. This indicates that the law cannot be separated from society.

From the opinion of F.K. von Savigny, it can be seen that the ideal law is the law extracted from the community, not the law formed and separated from the context of the society in which the law lives. Such law is referred to as the living law, namely the law that lives, grows and exists together in social life. The state must not only transplant laws that are not from the soul and culture of its people, but the state must explore the living law [17].

Some of the characteristics of the living law, namely the law is not written; non-autonomous nature (responsive or progressive); forms of legislation, customs, religious norms, and others; found in society; sanctions are not mandatory; the source of the formation of the social life of the community; the aim of justice; coercion of public awareness; sociological behavior.

When viewed from the sociological and anthropological aspects, Indonesian society is a pluralistic society with diverse cultures, religions, customs. Therefore, there are various laws that live in Indonesian society, for example customary law and Islamic law. So before Indonesia's independence, the Indonesian people already had the living law. In fact, there has been a legal pluralism in which every legal community has its own laws with their own style and characteristics [18].

Indonesia is not a country that adheres to civil law, but has its own legal system, namely the state of Pancasila law. For this reason, in addition to the law as the main source of law, Indonesia also still recognizes the living law as one of its legal sources. This can be seen in several provisions, namely in:

1. Article 18B paragraph (2) of the Indonesian Constitution which contains the recognition of indigenous peoples and the rights they have. These provisions indirectly acknowledge and respect the existence of the living law in the life of the nation and state. This is marked by the recognition of traditional villages and villages along with their rights that come from their respective living laws.
2. Article 5 of the Law on Judicial Power requires a judge to explore the sense of law that grows and develops in society. This means that judges in deciding cases are not limited to being the speaker of the law as in the civil law tradition. Judges are given the freedom to explore the living law for the creation of justice. Even in the event of a legal vacuum, legal discovery by judges uses existing laws in society.

According to FC von Savigny, there is an organizational relationship between law and the character or character of a nation. The law is only a reflection of the volkgeist. Therefore, the customary law that grows and develops in the womb of the volkgeist must be seen as the true law of life. The true law is not made, it must be found.

The existence of the Legality Principle leaves a polemic in terms of law enforcement. In the conception of the rule of law, the existence of the principle of legality is a priority in nature, but the principle of legality must have exceptions in looking at crime. On the basis of the limitations of the legality principle, it is deemed necessary to reconstruct the formula into "no criminal act without any crime according to criminal legislation and the law that lives in society (living law)". This formulation is ideal because it accommodates the nature of violating formal and material laws [19].

Principles of Legality in Criminal Law from Perspective Fair Enforcement

CONCLUSIONS

1. The Regulation of the principle of legality in the current criminal law

The regulation of the principle of legality in criminal law is currently regulated in Article 1 paragraph (1) of the Criminal Code which is the principle of formal legality, which requires an act committed to be determined as a criminal act if the act is first stated in the legislation in force at the time. the deed is done. Thus, the principle of legality implies that there is no act that is prohibited and is threatened with a criminal if it has not been stated in a statutory rule; in determining the existence of a criminal act, analogies may not be used; and the rules of criminal law are not retroactive.

2. The principle of legality in current criminal law from the perspective of fair law enforcement.

From the perspective of law enforcement that is just, the principle of legality in the current criminal law as regulated in Article 1 paragraph (1) of the Criminal Code cannot be used as a basis for carrying out fair law enforcement, because the principle of legality states that an act is qualified as a crime. criminal acts are solely based on legislation (written legal regulations). Law enforcement that adheres to the principle of legality can only realize legal certainty, but has not been able to realize justice. Justice should be realized through law enforcement which is not just formal justice according to the formulation of the law, but also substantial justice, namely justice that is truly in accordance with the sense of community justice based on the living law.

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Determination of Rice Prices to the Welfare of Petani in West Sumatra Province

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ABSTRACT: The study aims to analyze the influence of rice production, crop dry grain prices (GKP), rice consumption, per capita income and the number of people moderated by rice prices that impact on farmers' well-being. This research method uses a quantitative approach with panel data. The study was conducted in West Sumatra Province in 19 districts / cities with secondary data from the Central Statistics Agency (BPS) of West Sumatra Province in 2013 - 2019. Data analysis uses multiple line regression with panel data.

Simultaneous and partial research results found that rice production, crop dry grain prices (GKP), rice consumption, per capita income, and population can have a significant and positive effect on rice prices in West Sumatra province. While the impact of rice prices has a significant and negative effect on the welfare of farmers in West Sumatra province. The price of dry grain harvest (GKP) is the main factor that affects the price of rice, where rice consumption is a contributing factor that affects the price of rice. Meanwhile, rice production, per capita income and population, is a variable factor of disruption, because rice consumption is influenced by income / purchasing power and the number of family members, and in addition when viewed from the impact, the price of rice has a significant and negative effect on the welfare of farmers.

KEY WORDS: Rice production, Dry grain harvest prices, rice consumption, per capita income, population, rice prices and farmer welfare.

INTRODUCTION

At the moment globally, many countries are in crisis. One potential crisis that has a serious impact is the threat of a global food crisis. The issue of *world food crisis* is closely related to the issue of global climate change and *global* economic dynamics, characterized by economic crises in developed countries and volatility in food and energy prices (Minister of Agriculture, 2012). This global problem must have an influence on domestic and local food security conditions, because currently no country can isolate itself from the world community.

Food is the most essential basic need for humans to sustain life. As a living being, without food man cannot live and live for life and society. In terms of meeting rice needs in Indonesia facing a dilemma between efforts to meet domestic consumption needs by increasing productivity and rice imports, with efforts to maintain the stability of rice prices to remain affordable by all parties. Rice demand in 2016 to 2019 decreased by 2.7 million tons per year or rice demand in 2013-2019 reached an average of 32.48. While rice offerings from 2016-2019 fluctuated.

Table 1. Rice Demand and Supply Data in Indonesia 2013 - 2019

Year	Population (000 people)	Demand Rice (millions of tons)	Rice Offerings (millions of tons)
2013	248.818	39.00	34.00
2014	252.165	34.50	34.50
2015	255.462	33.30	43.90
2016	258.705	32.30	29.18
2017	261.891	29.13	29.13
2018	265.015	29.57	33.94
2019	268 074	29.60	31.31
Average	**220.293**	**32.48**	**33.70**

Source: BPS Indonesia (2020)

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Based on the table above, seen the trend of the population is increasing, demand is not followed by the supply of rice that increases. This will certainly beabig mas, because the main food of the Indonesian population is rice. For West Sumatra,riceproduction, dry grain harvest price (GKP) and rice price are as seen in the table below:

Table 2. Production, dry grain prices and rice prices in West Sumatra Province 2013 - 2019

Year	Rice Production (thousands of tons)	GKP Price (Rp/Kg)	Price of rice (Kg)
2013	2. 503 ,452	4. 005.38	9. 558,50
2014	2. 519, 020	4. 300,95	11. 712,50
2015	2. 550, 609	4. 693,56	12. 258,02
2016	2. 503, 452	4. 617,26	12. 789,53
2017	2. 824, 509	4. 615,23	12. 976,00
2018	1. 483, 076	4. 893,82	13. 087,00
2019	1. 482, 996	4. 638,64	14. 242,00

Source: Central Bureau of Statistics 2020 has been processed.

Based on 26the above ndic, it can be seen the difference in the price of dry grain harvest(GKP) with the price ofrice per kilo gram is very much different. This is due to theincrease in the price of Dry Grain Harvest(GKP) atthe farmer level is a*"trade off"*for farmers. GKP that is too high causes traders or millers to be unwilling to buy it on the grounds that consumers' purchasing power of rice is low. In this condition, farmers' grain is threatened not to sell because the price is too high, on the other hand, the price is too low, making farmers lose money because the selling price cannot cover production costs.

To improve the welfare of farmers various types of production incentives for farmers have been provided by the government, including in the form of providing land and irrigation infrastructure, development of agricultural tools and machinery services (alsintan), *input* subsidies (fertilizers, seeds), interest subsidies on agricultural business loans, and other incentives (Simatupang and Rusastra 2004), including price policies. *output*. Structured *output* price policy began in 1967 in the form of basic price policy (HD) or floor *price* of grain and rice (Sawit 2001) which in subsequent years changed in accordance with the economic and political dynamics of national rice in its time. Starting in 2001, *the output* price policy changed from HD to the basic price of government purchase (HDPP), then to government procurement *price* (Suryana *et al.*2001; BKP 2014a).

The price of rice on the market is one of 26the ndicators that affects the per capita income of farmers. According to Mosher (1987), the most important thing about this income is the impact on the welfare of farmers, because some aspects of household welfare depend on income levels. The higher the household income, the percentage of income for food will be reduced. In other words, if there is an increase in income and the increase does not change consumption patterns then the household is prosperous. Conversely, if an increase in household income can change the consumption pattern, it is said to be not prosperous. Research on rice prices is Alan Dwi Wibowo *et al*., (2015), Nongnooch, Poramacom, (2014), Hezekiah Respatiadi and Hana Nabila (2018), Deby Ananda Difah *et al*., (2019), Yogi Makbul et al (2019) and Purbiyanti *et al*., (2017).

This study aims to find out the dominant factors in the determination of rice prices in West Sumatra from the selected variables, namely rice production, rice consumption, community per capita income and population. In connection with the determination of rice prices, it is studied how much the price of rice can affect the welfare of rice farmers.

LITERATURE REVIEW

The price ofeconomic theory is determined by the intersection between the demand and supply of goods and services in the right. Thus the price of a good and the number of goods sold can be determined by looking at the state of balance in a market (Sukirno, 2013). While Suparyanto and Rosad (2015) stated that the price is a sum of money or something in other forms that has the necessary value to obtain a product. While Rahardja and Manurung (2006) explained the price of agricultural products with teori *Cobweb*. Cobweb theory is one of the applications of supply-demand analysis that explains why the prices of some agricultural and livestock goods show certain fluctuations from season to season and the cause of these fluctuations is the "late" reaction on the part of producers to prices (Budiono; 2014). According to Wawan Hermawan (2017) research; domestic rice prices are influenced by rice production, rupiah exchange rate, international rice prices and gdp per capita. While Yogi Makbul and Sudrajati Ratnaningtyas (2017) statedthat the price of rice is integrated with the price of riceand Adeniyi, B. A *et al*., (2019) regarding determinants of rice price volatility. Besides that, the season also affects the price of rice, where in the dry season the rice harvest will be better when compared to the rainy season

Production is a process in which resources (inputs) are processed in such a way as to produce products (output) with greater added value than the previous form (Sukirno 2013). Millers and Meiners (2000) states that production isnot only limited to its manufacture but also storage, distribution, transportation, repackaging, and repackaging or otherwise. Factors of production consist of land, labor, capital and skills, and in agriculture other factors that determine the results of production are also nature. The

relationship between factors of production (input) and production output (output) is known as the production function. The production function that is often used is the Cobb-Douglasproductionfunction. Factors affecting production are carried out by Khairul Fahmi Purba *et al*., (2020). I Made Yoga Prasada (2018) and Abdul Bashir and Saadah Yuliana (2018).

Consumption is the total expenditure to obtain goods and services in an economy in a certain period of time and to get these goods and services in need of income. While according to Mankiw (2013) consumption has the meaning of spending on goods and services by households. John Maynard Keynes in 1930 proposed the theory of consumption that the amount of consumption today is directly related to income. The small amount of consumption carried out is very dependent on income, so it is said that consumption is a function of income (consumption = f (income)). Menurut Sadono Sukirno (2013) 27the determinant in consumption activities is thebenefits that have beencollected,sku bunga,skufrugal,economiceconomy,distribusi income and not sufficient 27ndicat funds. The results of Rahmasuciana's research, *et al.,* (2015) stated that per capita consumption is influenced byrice prices, per capita income, and consumer preferences. While A. Husni Malian *et al.,* (2004); Rising rice prices will affect household consumption. While Imam Asngari (2020) and Corryati Wardani (2019) reviewed rice consumption.

Per capita income is the average income of the population of a ndica or region in a certain period that is usually one year (Sukirno, 2013). While Jhingan (2007) states that per capita income is the result of sharing between regional income on a constant price basis (ADHK) with a mid-year population. Per capita PDRB can be viewed on the basis of prevailing prices as well as on the basis of constant prices. Percapita is often used as a measure of the prosperity and level of development of a four country or region or determinant of the economic state of a country. According to Kamil Maitah *et al.,* (2020) rice as a determinant of economic sustainability.

Population is the main resource that has a major influence on development in a region based on the Population Reference Bureau (PRB) (2011). And according to BPS (2020), penduduk is all people who are domiciled in the territory of the Unitary State of the Republic of Indonesia for 1 year or more or those domiciled less than 1 year but aim to settle. Based on Malthus'theory, population growth according to the series of measurements and economic growth according to the series ofcalculations, means that the population will grow faster than economic growth (Edmund Conway, 2015).

Community welfare is a number of satisfactions obtained by a person from the results of consuming income received, but the level of welfare itself is something that is ndicato because it depends on the amount of satisfaction obtained from the results of consuming that income. With regards to agriculture, then what is seen is the welfare of farmers. According to Sudana *et al*., (2008), the welfare of farmers was analyzed using five indicators, namely (1) household income structure (on*farm, off farm, and non farm),* (2) Household expenditure structure, (3) Household food subsistence level, (4) Farmer household purchasing power level, and (5) Farmer Exchange Rate (NTP). Nevertheless, this study only conducted an analysis of farmers' exchange rates (NTP). While Ruauw (2010) inhis research discusses about the welfare of farmers is with the Farmer Exchange Rate (NTP). The level of welfare of farmers' households can be approached by the concept of Farmer Exchange Rate (NTP) which is the ratio of the price index received and the index of prices paid by farmers. Thefarmer's household income exchange rate (NTPRP) is as follows:

$$NTPRP = Y/E \quad Y = YNP + YP \quad E = EP + EK$$

Where:
YP = Total exposure from agricultural business
YNP = Total Revenue from non-agricultural businesses
EP = Total expenditure for agricultural businesses
EK = Total expenditure for non-agricultural businesses

The results of research from Emily Schmidt (2020) stated that the price of rice induced by Covid 19 has an impact on the welfare of the community.

METHODS Of RESEARCH

The method of data analysis in this study is descriptive and verifiative analysis. Verifiive analysis in this study uses regression analysis of panel data (pooleddata). Data panel is combining cross sectional data with time series. Cross sectional data is the number of districts and cities in West Sumatra Province and Time *Series* is the time period from 2013 to 2019. The data processing tools in this study used Microsoft excel and Eviews 10software. Regression determination is done through the stages of determining the estimation model *(*Pooled OLS / Common Effect, Fixed Effect and Random Effect*)* by means of the F (Tast Chow) test, Hausman test, and Lagrange Multiplier test. The next step is the F test hypothesis, and the t test and coefficient of determination. A frame of mind formed based on the following images:

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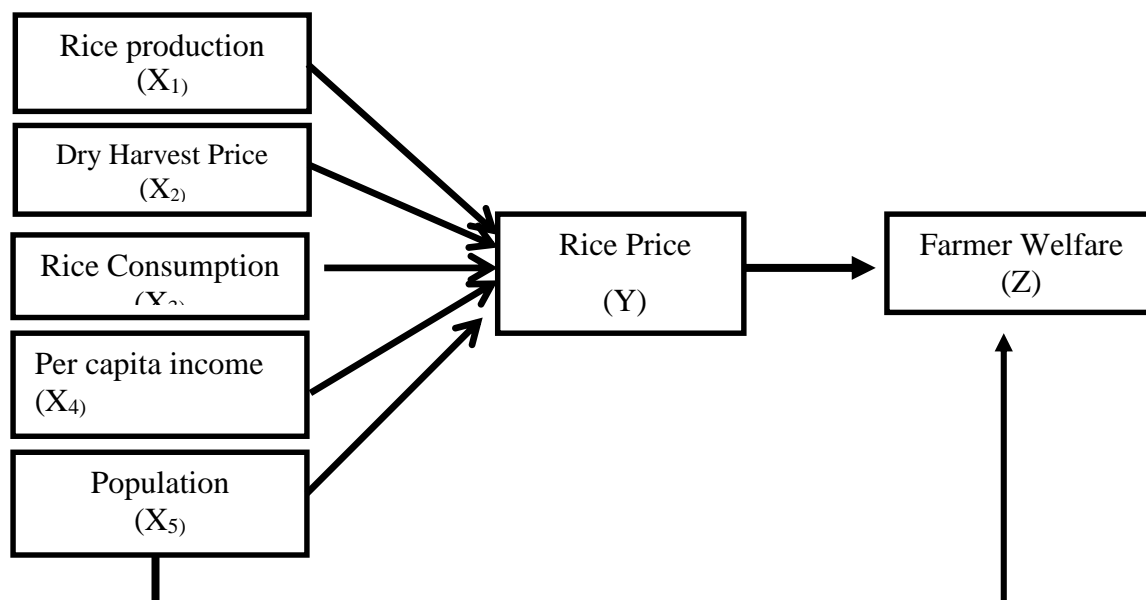
Figure 1. Research Scheme

Based on the above frame of mind, two equations are obtained as follows:

Equation 1: The effect of rice production, the price of dry grain harvest, rice consumption, per capita income and the population on the price of rice.

$$Y_{it} = \alpha + \beta_1 X_1 + \beta_2 X_2 + \beta_3 X_3 + \beta_4 X_4 + \beta 5 X_5 + \varepsilon_{it}$$

Where:

Y_{it} = Price of rice

α = Constant

β = Regression coefficient of each independent variable

X_1 = Rice production

X_2 = Price of dry grain harvest

X_3 = rice consumption

X_4 = income per capita

X_5 = population

ε = *Error term*

t = Time

i = Regency/city

Equation 2: The price of rice has an impact on the welfareoffarmers.

$$Z_{it} = +\beta\ Y_{it} + \varepsilon_{it}$$

Where:

Z_{it} = Farmer Welfare

α = Constant

β = Regression coefficient

Y_{it} = Price of rice

RESULTS AND DISCUSSION

Geographically, West Sumatra Province is located between 98o 36'-101o 53' East Longitude and 0 o 54' North Latitude up to 3o 30' South Latitude, with a land area of + 42,297.30 Km2 and water area (sea) + 51,060.23 km2 with a land area coastline length + 375 Km plus the length of the Coastline of the Mentawai Islands + 1,003 so that the total overall coastline + 1,378 Km. These sea waters have 185 large and small islands. Administratively, West Sumatra Province consists of 19 regencies / cities (12 regencies and 7 cities) which have 179 sub-districts with 259 villages and 760 nagari, with the following boundaries: north with North Sumatra province, east with Riau and Jambi provinces, south with Bengkulu province, and west border with the Indian Ocean according to rpjmd information from West Sumatra (2009 - 2029).

The hydrological condition of West Sumatra Province has considerable water resources when viewed from the number of rivers and lakes. The number of rivers in West Sumatra Province reaches 606 rivers that partly empties into the Indian Ocean on the

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West Coast and partly towards the East Coast of Sumatra Island. West Sumatra area that is fed by this river can be divided into 9 Units of River Region (SWS) namely SWS Akuaman, Siberut Island, Natal-Batahan, Kampar, Batang Hari, Silaut, Rokan, Indragiri and Masang. The source of the river water comes from mountains and lakes (Lake Above, Lake Below, Lake Maninjau and Lake Singkarak). Lake Singkarak located in Solok regency and Tanah Datar has an area of 13,011 km2, Lake Maninjau is located in Agam Regency has an area of 9,950 km2, while Lake Above (3,150 km2), Lake Below (1,400 km2), and Lake Talang (1.02 km2) are found in SolokRegency.

West Sumatra consists of 12 regencies and 7 municipalities. Those included in the district include K. Mentawai, South Coast, Solok Regency, Swl / Sijunjung, Tanah Datar, Padang Pariaman, Agam,50 Kota, Pasaman, Solok Selatan, Dhamasraya, West Pasaman. While the municipalities are Padang, Solok, Sawah Lunto, Padang Panjang, Bukit Tinggi, Payakumbuh and Pariaman.

Based on the test results in determining the best model is *the Fixed Effect* shown by the results of processed eviws 10 as follows:

Table 3.

Dependent Variable: LOGY
Method: Panel Least Squares
Date: 03/07/21 Time: 16:12
Sample: 2013 2019
Periods included: 7
Cross-sections included: 16
Total panel (balanced) observations: 112

Variable	Coefficient	Std. Error	t-Statistic	Prob.
C	6.377946	0.352267	18.10544	0.0000
LOGX1	0.053930	0.003161	17.06218	0.0000
LOGX2	0.092173	0.033329	2.765557	0.0069
LOGX3	0.091974	0.041299	2.227018	0.0284
LOGX4	0.055198	0.015192	3.633450	0.0005
LOGX5	0.057676	0.005338	10.80420	0.0000
R-squared	0.969899	F-statistic		146.6062
Adjusted R-squared	0.963283	Prob(F-statistic)		0.000000

. **Source:** in olah with eviews 10

Equation: 1 is:

$$\text{LogY} = 6.377946 + 0.053930 \, \log X_1 + 0.092173 \, \log X_2 + 0.091974 \, \log X_3 + 0.055198 \log X_4 + 0.057676 \, \log X_5 + ei$$

Equation 1 above can be interpreted that:

- Constant a of 6.377946 states that if the value of variables X1,X2,X3,X4,X5 is constant (0) thenthe variable value Harga rice (Y) is 6.377946 and the relationship that occurred is positive and significant.

- The regression coefficient value X1 (rice production) has a positive relationship to the price of rice withthe value of the betacoefficient = 0.053930 meaning that every 1% increase in rice production,then the price of rice(Y)will increase by 0.054%, dnature this other factor is considered fixed and the relationship that occurs is significant.

- The regression coefficient value X2 (Price Gabah Kering Petani) has a positive relationship with the price of rice with a beta coefficient = 0.092173 meaning that every increase of 1 % X2, then the price of rice(Y)will increase by 0.092%, dnature this other factor isconsidered The relationship and the relationship is significant. The price of dry grain harvest (GKP) is the main factor affecting the price of rice addressed by the beta coefficient of 0.0922.

- Regression coefficient value X3 (Rice consumption) has a positive relationship with the value of the beta coefficient = 0.091974 meaning that every 1% increase in rice consumption,then the price of rice(Y)will increase by 0.0920%, dnaturethis other factor is considered fixed and the relationship that occurs is significant. Kounces of rice is a contributing factor that affects the price of rice after the price of dry grain at the farmer level.

- The regression coefficient value X4 (per capita income) has a positive relationship of 0.055198 which means that every increase of 1% per capita income,then the price of rice(Y)will increase by 0.055%, dnature this other factor is consideredfixed and the relationship that occurs is significant.

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- The regression coefficient value X5 (Population) has a positive relationship of 0.057676 which means that every change of 1% of the population,then the price of rice(Y)will decrease by 0.058%, dnature this other factor is consideredfixed andthe relationship that occurs is significant.

Hasyl test f (simultaneous influence) on equation 1 is rice production (X1), dry grainharvest price(X2), rice consumption(X3), percapita income (X4) and population number (X5) is significant and positive the price of rice with a Prob (F-statistic) value of 0.0000. And the Coefficient of Determination is expressed in the form of *Adjusted R-Squared* results of 0.963283 which means that rice production, dry grain harvest prices, rice consumption, per capita income and population together have an effect of 96.3% on rice prices. 3.7% was influenced by other factors that were not included in the study. In addition, the form of variable relationship X (riceproduction, dry grain harvest price, rice consumption, per capita income and population) to the price of rice (Y). is in elastic (elasticity < 1), this relationship states that the large treatment of variable X (riceproduction, dry grain harvest price, rice consumption, per capita income) and the population) has only a small impact on the price of rice (Y).

Based on the test results in determining the best model is *the Fixed Effect* shown by the results of processed eviws 10 as follows:

Table 4. Model Panel Data Regression Results 2

Dependent Variable: LOGZ1
Method: Panel Least Squares
Date: 03/07/21 Time: 16:22
Sample: 2013 2019
Periods included: 7
Cross-sections included: 19
Total panel (balanced) observations: 133

Variable	Coefficient	Std. Error	t-Statistic	Prob.
C	7.281212	0.068390	106.4665	0.0000
LOGY	-0.285290	0.007255	-39.32273	0.0000
R-squared	0.931898	F-statistic		81.38299
Adjusted R-squared	0.920447	Prob(F-statistic)		0.000000

Source: Output Eviews Statistics Version 10

The 2nd equation in this study is

$$\text{Log } Z = 7.281212 - 0.285290 \text{ log} Y$$

The form of equation obtained from the selection of models that have been done chow test, Hausman test and Lagrange Multiplier test is a Random Effect model. From the results of the equation obtained the following:

- Constant (α) of 7,281212 states that if the Price of Rice(Y) does not undergo treatment then the variable value of farmer welfare (KP) is 7,281212.
- The regression coefficient value Y has a negative relationship with a beta coefficient of 0.285290 which means that every 1% increase in the price of rice (Y),then the welfare of farmers(Z)will decrease by 0.29%, in which case other factors areconsidered fixed.

The effect of rice prices (Y) on the welfare of farmers(Z) is negative and significant,while the magnitude of the effect of riceprices (Y) on the welfare of farmers(Z) is shown by the results *adjusted R-Squared* is 0.931898. This means that 93.1% of the variable rice price (Y) affects the welfare of farmers,whilethe remaining6.9% is influenced by other variables outside the study variable. The form of relationship between rice prices and the welfare of farmers is elastic which means that large changes to rice prices have only a small impact on the welfare of farmers (the price of rice at the high consumer level causes a decrease in farmers' welfare to decrease, although the decrease is notas big as the increase in riceprices).

CONCLUSION

In West Sumatra the price of rice is adilemma, because it mustbe a farmer or riceconsumer. The price of rice will affect the level of wisdom of farmers. Thisstudy tried to observe the influence of rice prices and their effect on the welfare of farmers in 12 regencies and 7 municipalities in West Sumatra.

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The results stated that all the variables used in this study had a positive and significant effect on the price of rice, although the effect was inelastic. In addition, the price of rice with a negative and significant level of farmer welfare which means that the increase in rice prices has an impact on the decrease in the level of farmer welfare.

In connection with the results of research, the increase in rice prices at the consumer level has a negative influence on the welfare offarmers. This contradicts existing theories,wherethe price of rice at the consumer level is determined by adry grain at the farmerlevel. One of the causes of the decline in the level of welfare of farmers is the increase in rice prices at the consumer level is much higher than the price ofdry grain at thefarmer level. In addition, price increases at the consumer level can lead to inflation. And this is what causes the level of welfare of farmers to decline. According to Deby Ananda Difah (2019); thewidening price of rice at the farmer level and the retail price of rice indicates an asymmetrical vertical price transmission.

The improvement of farmers' welfare by the Regional Government of West Sumatra Province is carried out by ensuring price stability and increasing rice production through guaranteeing food availability by protecting farmers from rice imports, encouraging increased rice production domestik,maintaining the availability of irrigation and agricultural *inputs,* strengthening the availability of foodstuffs to meet population consumption inWest Sumatera province, in addition to doing so. kan rice price policythat favors farmers.

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The Effect of an Online Live Group Program with Greek Traditional Dances on State Anxiety and Self-Esteem

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ABSTRACT: The aim of the present study was to examine the effect of an online live group program with Greek traditional dances on the self-esteem and anxiety of the participants. The research involved 147 people, 43 men and 104 women, aged 49,73±8,141 years old, members of Cultural Clubs. The participants were randomly divided into the experimental group (N=75) and the control group (N=72). The experimental group participated in online live group lessons of Greek traditional dances, through the online platform ZOOM, twice a week. Each lesson had a 45-minute duration and the program lasted 12 weeks, during the quarantine imposed due to COVID-19. During the same period of 12 weeks, the control group continued its daily life in quarantine. The participants in both groups completed the Heatherton and Polivy (1991) State Self-Esteem Scale to measure performance self-esteem, social self-esteem and appearance self-esteem, as well as the State-Trait Anxiety Inventory-FORM X-1 by Spielberger et al. (1970) for the measurement of state anxiety, before and after the 12-week period. The processing of the data showed that after participating in the online live group program of Greek traditional dances, the participants in the experimental group significantly increased their performance self-esteem (t=-7,75, p<0,001), social self-esteem (t=-5,23, p<0,001), and appearance self-esteem (t=-5,67, p<0,001), but they significantly reduced their state anxiety (t=7,33, p<0,001). Regarding the participants in the control group, after the 12-week period, the studied variables moved in the undesirable direction, as evidenced by the reduction in self-esteem factors and the increase in state anxiety. The results show that participating in Greek traditional dance group programs, which are conducted live online, affects positively the self-esteem and state anxiety of the participants. Consequently, during these difficult health times that the whole world is experiencing, participating in online live group programs of Greek traditional dance may improve the participants' psychological state, offering at the same time the solution on the one hand to distance oneself from other people and on the other hand to come in contact with people.

KEY WORDS: Dance, alternative activity, psychological state, livestreaming sessions, Greek traditional dance.

I. INTRODUCTION

Nowadays all humanity confronts a new reality concerning COVID-19 and its results, such as quarantine, physical risks, daily disruptions, uncertainty, social isolation, financial loss, etc. (Hwang et al., 2020). The COVID-19 pandemic has brought this fast-moving world to a standstill. The impact of this pandemic is massive, and the only strategy to curb the rapid spread of the disease is to follow social distancing. The imposed lockdowns, resulting in the closure of business activities, public places, fitness and activity centers, and overall social life, has hampered many aspects of the lives of people including routine fitness activities, which has resulted in various psychological issues, as well as in serious fitness and health concerns (Kaur et al., 2020). Due to this situation, all the people experience too much anxiety, stress, fear, loneliness and, in general, negative feelings, with many negative consequences on their psychological state.

However, it is not only the psychological state that is affected, but physical state, as well. Due to COVID-19, people changed all their habits and locked themselves in their homes in order to face the invisible but very dangerous "enemy", resulting in decrease of the participation in physical activities. However, the American College of Sports Medicine has recommended 150-300 min of aerobic exercise per week and two sessions per week of moderate-intensity muscle strength exercises for people to be physically active during the COVID-19 pandemic (Joy, 2020).

Furthermore, it is worth mentioning that for the improvement of people's psychological state the specialists recommend, among other, the participation in exercise, physical activity and physical-activity interventions/programs (Lollgen et al., 2009; McAuley et al., 2006; Minhyun et al., 2015; Penedo, & Dahn, 2005; Stewart et al., 2007; Zullig et al., 2005). In addition, recent outcomes suggest that practicing moderate physical activity during these types of situations caused by COVID-19 could eliminate its negative effects on psychological health and benefit a more positive mental state (Reigal et al., 2021).

The Effect of an Online Live Group Program with Greek Traditional Dances on State Anxiety and Self-Esteem

A favorite mode of physical activity documented to improve psychological state is dancing. Dance constitutes an alternative form of physical activity of mild to moderate intensity (Mavrovouniotis et al., 2010; Wyon, & Redding, 2005), and, also, a very common leisure activity (McCord, & Patterson, 1989). More specifically, dancing is an excellent activity that could bring about physical, psychological and social benefits to children, young people, middle-aged and elderly people, as well (Argiriadou, 2018; Burkhardt, & Brennan, 2012; Malkogeorgos et al., 2011; Mavrovouniotis, & Argiriadou, 2008; Mavrovouniotis et al., 2013a; Mavrovouniotis et al., 2013b). The participants in dances experience a better overall health and an improved sense of well-being (Argiriadou et al., 2017; Costa et al., 2013; Hui et al., 2009; Keogh et al., 2009; Pilch et al., 2015). Moreover, dancing causes anxiety reduction and psychological and physical calm (Argiriadou et al., 2013a; Garnet, 1974; Keuttel, 1982; Leste, & Rust, 1984; Payne, 1992; Stanton-Jones, 1992; Steiner, 1992). In addition, the participation in dancing programs leads in improvements of psychological state, self-esteem, well-being and mood state (Berrol et al., 1997; Berryman-Miller, 1988).

Nevertheless, the recommendations for social distancing prevent people from participating in dance programs. A solution could be found through technology. Today the contemporary transmission of various programs is possible and feasible via the internet. As live participation is not allowed, participation in dance programs can be done remotely. However, on reviewing the literature, there is, evidently, a lack of research efforts noted regarding the effectiveness of livestreaming dance programs on psychological state parameters. Thus, the purpose of the present study was to examine the effects of the participation in an online live group dancing program with Greek traditional dances on the participants' psychological state parameters, such as self-esteem and anxiety.

II. METHODS

II.1 Sample

A hundred and fifty-five members of seven Cultural Clubs in Thessaloniki and Giannitsa, cities in Greece, ("Pigasos" Cultural Club of West Thessaloniki, "Minoites" Cultural Cretan Club of Giannitsa, "Anagennisi" Cultural Club of Pontus Sea of Saint Nektarios, "Erotokritos" Cultural Cretan and Friends Club of Oreokastro in Thessaloniki, Folklore Club Papafi of Thessaloniki, "Choromythes" Dancing Club of Ilioupoli in Thessaloniki, and Club of "Graduates of Physical Education Schools specializing in Greek traditional dances"), volunteered to participate in the study, after an online briefing about the research.

Subsequently, a second online briefing about the procedure, the online participation in the dancing program, the separation in control and experimental group, as well as about the inclusion criteria was held. After that, eight subjects withdrew their participation due to personal reasons. Finally, a hundred and forty-seven healthy adults, 104 women and 43 men, participated in the research. All the subjects didn't participate in any dance or exercise programs for approximately 18 months due to the COVID-19 pandemic. A written informed consent for the participation in the research was obtained from each subject. All the subjects, before the beginning of the program, underwent medical control so that it could be certified that they do not suffer from any cardiovascular or other diseases. Additionally, before the research, they answered a questionnaire about any health problems.

Then, the subjects were separated randomly to an experimental group (n=72) and a control group (n=75). The subjects who joined the experimental group participated in a 12-week online live group dancing program with Greek traditional dances, two times a week, each for 45 min, and in no other exercise, physical activity or dancing program for the duration of the experiment, and also continued the daily life they experienced under the COVID-19 conditions. The subjects who joined the control group didn't participate in any exercise, physical activity or dancing programs for a 12-week period, but they continued the daily life they experienced under the COVID-19 conditions.

II.2 Procedure

An approval for conducting the research was given from the committees of the Cultural Clubs, after the aim and the treaties of the research were described. The procedures were in agreement with the ethical standards of the Declaration of Helsinki of the World Medical Association (2000). In addition, through two online briefings to the volunteer**ing** participants, the description of research requirements and procedure were given, as well as information about the participation in the dancing program, the separation in control and experimental group, and the inclusion criteria.

The experimental group as well as the control group filled in the scales of measurements online through Google drive form, twice. More specifically, the participants in the experimental group filled in online the scales of measurements just before the first session of the 12-week program. Immediately after questionnaires' completion, began the online live group program of Greek traditional dances, through the online platform ZOOM, 2 times a week, lasting 45 minutes each session, for a period of 12 weeks. Each online live Greek traditional dance session included the warming up for 5-7 min which contained dances of low intensity, the main part for 30-35 min which contained dances of moderate to high intensity and the cool-down for 5-7 min which contained dances of low intensity for recovery. Concerning the main part, the dances' intensity ranged from 60% to 75% of the maximum HR, which corresponds to 40-60% of VO_2max (moderate intensity) (Swain et al., 1994; Tanaka et al., 2001; Uth et al., 2004). There were frequent rhythm alternations so that the subjects could keep dancing continuously throughout each dance session. The

performed Greek traditional dances were from Crete and Pontus. The program contained a variety of dances, regarding the rhythm, the kinetic repertoire and the style. All participants attended at least 80% of the online live group Greek traditional dance sessions. Immediately after the end of the last session of the 12-week program, the participants in the experimental group filled in online the scales of measurements for the second time.

Concerning the participants in the control group, they filled in online the scales of measurements before the 12-week period and continued the daily life they experienced under the COVID-19 conditions, with no participation in exercise, physical activity or dance. After the 12-week period, the participants in the control group filled in online the scales of measurements for the second time.

II.3 Scales of measurements

The State Self-Esteem Scale (SSES), of Heatherton and Polivy (1991), is a self-rating scale designed to measure state-related changes in self-esteem. The scale's facility and brevity allow its fast and repeated use by the researchers even during exercise. The SSES is a 20-item scale that measures a person's self-esteem at a given point in time. The 20 items are subdivided into 3 components of self-esteem: 1) performance self-esteem, 2) social self-esteem and 3) appearance self-esteem. All items are answered using a 5-point scale (1=not at all, 2=a little bit, 3=somewhat, 4=very much, 5=extremely). SSES demonstrated high internal consistency (a= .92), and the three-factor structure was verified by factor analysis in men and women (Heatherton, & Polivy, 1991).

Moreover, the State-Trait Anxiety Inventory (SAI), of Spielberger, Gorsuch & Lushene (1970), was used, for the measurement of state anxiety. All subjects completed the 20-item state anxiety subscale, SAI-Y1, for state anxiety measurement, with score ranging from 20 to 80 degrees.

SSES and SAI were administered in a counterbalanced order, which was reversed at the post-test. SSES and SAI were translated in Greek following a standard procedure involving the discussion of multiple alternative wordings by a group of five bilingual experts.

II.4 Statistical analysis

For the statistical analysis the statistic packet SPSS/PC Version 23.0 for windows was used. The collected data were analyzed by computing mean and standard deviation. All dependent variables, namely the anxiety and self-esteem were found to be normally distributed using the Kolmogorov-Smirnov tests of normality. Independent samples t-tests were used to determine if significant mean differences existed in baseline measurements between participants of the two groups. Paired t-tests were used to determine if significant pre- to post-test differences existed (before and after the Greek traditional dance program for the experimental group, and before and after the 24-week period for the control group). The level of significance was set to *p<0,05*.

III. RESULTS

In Table 1 the anthropomorphological characteristics of the experimental group that attended the Greek traditional dance group program through livestreaming, and the control group are presented. The independent samples t-tests showed that there was no significant difference between the two groups, concerning the anthropomorphological characteristis.

Table 1. Anthropomorphological characteristics of experimental and control group.

Parameters	Experimental Group Mean±SD	Control Group Mean±SD
Age (years)	51,17±6,85	48,58±9,48
Height (m)	1,67±0,08	1,69±0,08
Weight (kg)	76,16±13,4	76,14± 13,24

The descriptive statistics for the performance self-esteem assessed prior to and following the 12-week online live Greek traditional dance group program for the experimental group and prior to and following the 12-week period for the control group, as well as the significance of any demonstrated change are shown in Figure 1 and Table 2.
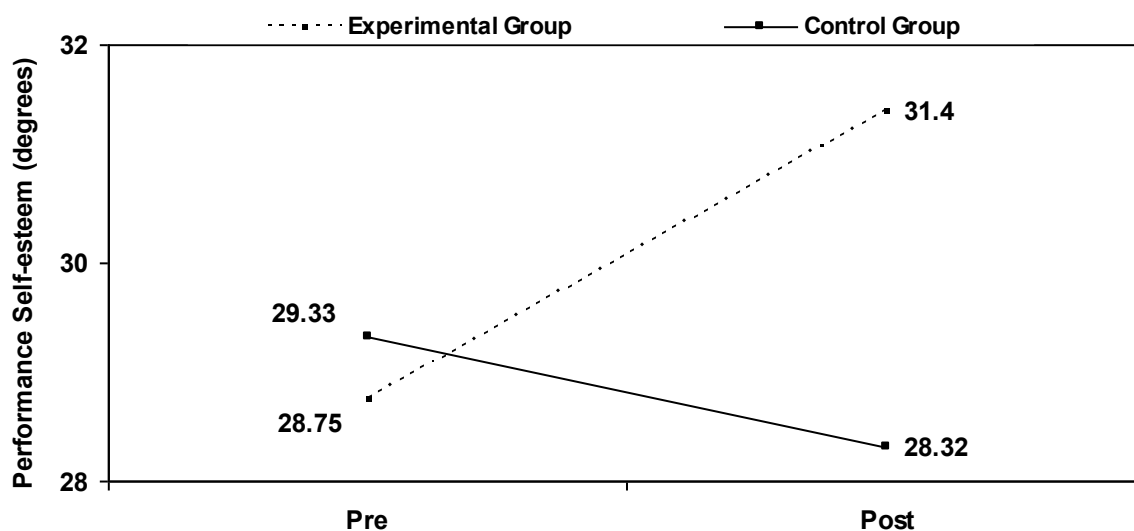
Figure 1. Performance self-esteem for experimental and control group before and after the 12-week period.

As it is observed, there was a significant increase in performance self-esteem (9,22%) for the experimental group after the participation in the 12-week online live Greek traditional dance group program. On the contrary, there was observed a significant decrease in performance self-esteem (3,44%) for the control group after the 12-week period (Figure 1, Table 2).

The descriptive statistics for the social self-esteem assessed prior to and following the 12-week online live Greek traditional dance group program for the experimental group and prior to and following the 12-week period for the control group, as well as the significance of any demonstrated change are shown in Figure 2 and Table 2.
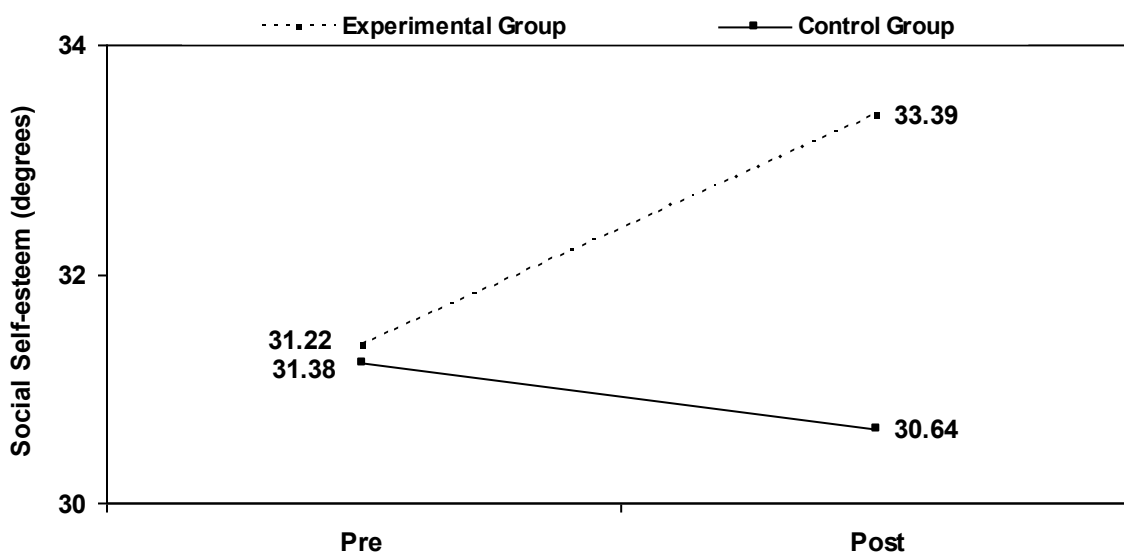
Figure 2. **Social self-esteem for experimental and control group before and after the 12-week period.**

As it is observed, there was a significant increase in social self-esteem (6,40%) for the experimental group after the participation in the 12-week online live Greek traditional dance group program. On the contrary, there was observed a decrease in social self-esteem (1,86%) with a tendency to significance (t=1,82 & p=0,07) for the control group after the 12-week period (Figure 2, Table 2).

The descriptive statistics for the appearance self-esteem assessed prior to and following the 12-week online live Greek traditional dance group program for the experimental group and prior to and following the 12-week period for the control group, as well as the significance of any demonstrated change are shown in Figure 3 and Table 2.
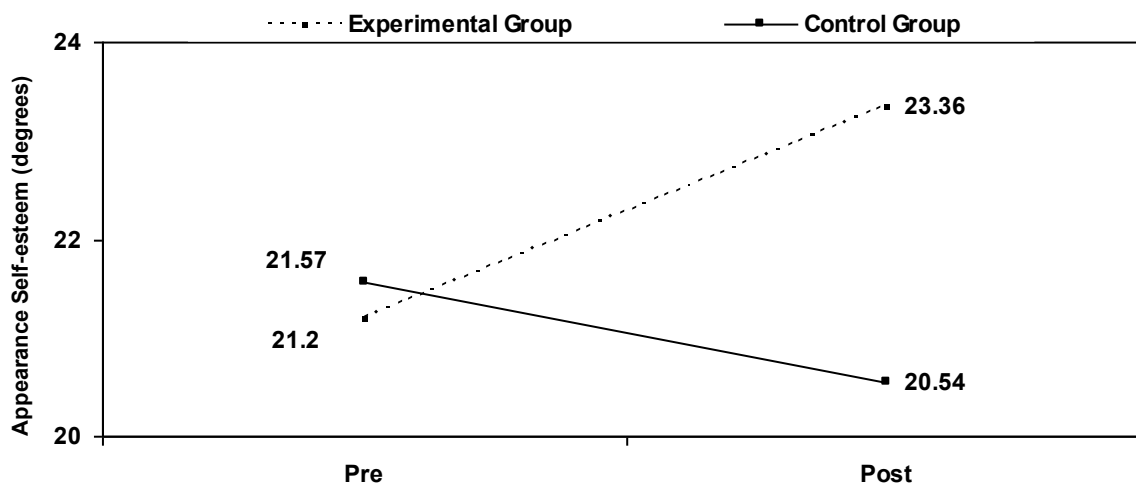
Figure 3. Appearance self-esteem for experimental and control group before and after the 12-week period.

As it is observed, there was a significant increase in appearance self-esteem (10,19%) for the experimental group after the participation in the 12-week online live Greek traditional dance group program. On the contrary, there was observed a significant decrease in appearance self-esteem (4,77%) for the control group after the 12-week period (Figure 3, Table 2).

The descriptive statistics for the state anxiety assessed prior to and following the 12-week online live Greek traditional dance group program for the experimental group and prior to and following the 12-week period for the control group, as well as the significance of any demonstrated change are shown in Figure 4 and Table 2.
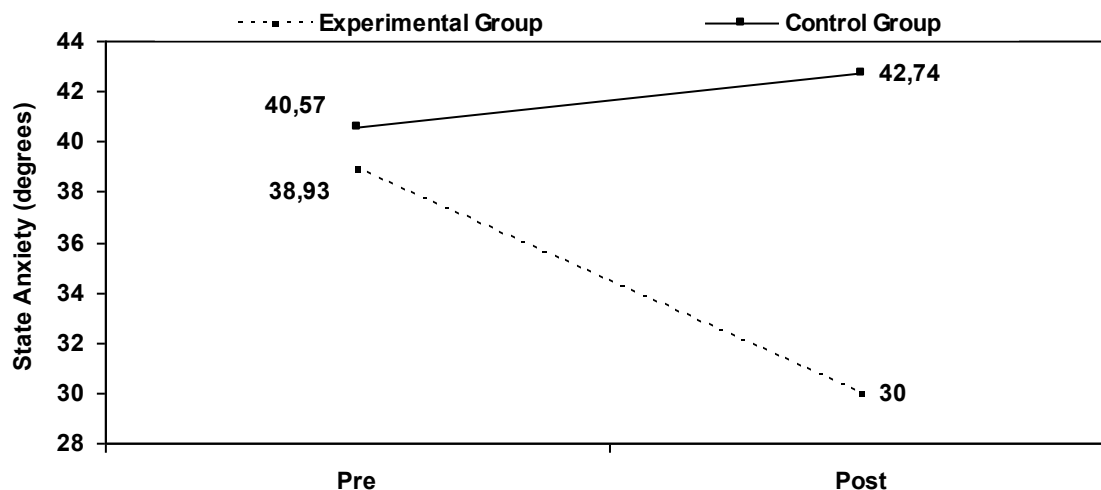
Figure 4. State anxiety for experimental and control group before and after the 12-week period.

As it is observed, there was a significant decrease in state anxiety (22,94%) for the experimental group after the participation in the 12-week online live Greek traditional dance group program. On the contrary, there was observed a small increase in state anxiety (5,35%) for the control group after the 12-week period (Figure 4, Table 2).

Table 2. Descriptive data, and degree of change of self-esteem components and state anxiety of experimental and control group

	Group	Pre 12 weeks M±SD	Post 12 weeks M±SD	t & p	Change
Performance Self-esteem (degrees)	Experimental	28,75±3,52	31,40±2,78	t=-7,75 p<0,001	↑ 9,22%
	Control	29,33±3,61	28,32±4,52	t=3,15 p<0,01	↓ 3,44%
	t & p (between groups)	NS	t=-4,99 p<0,001		

Social Self-esteem (degrees)	Experimental	31,38±3,38	33,39±2,18	t=-5,23 p<0,001	↑ 6,40%
	Control	31,22±4,58	30,64±4,19	NS (p=0,07)	↓ 1,86%
	t & p (between groups)	NS	t=-5,07 p<0,001		
Appearance Self-esteem (degrees)	Experimental	21,20±4,34	23,36±4,18	t=-5,67 p<0,001	↑ 10,19%
	Control	21,57±4,29	20,54±4,28	t=3,01 p<0,01	↓ 4,77%
	t & p (between groups)	NS	t=-4,04 p<0,001		
State anxiety (degrees)	Experimental	38,93±10,38	30,00±8,45	t=7,33 p<0,001	↓ 22,94%
	Control	40,57±11,24	42,74±12,32	NS	↑ 5,35%
	t & p (between groups)	NS	t=7,33 & p<0,001		

The results of the independent samples t-tests showed that at the baseline there was no significant difference between the two groups neither for self-esteem components, nor for state anxiety, showing that the two groups are similar. However, after the 12-week online live Greek traditional dance group program for the experimental group and the 12-week period for the control group, the results of the independent samples t-tests showed significant differences between the two groups concerning the three self-esteem components and state anxiety, highlighting the significant effects of the online live group program with Greek traditional dances. In addition, the results of the paired t-tests demonstrated significant negative differences for the control group between the two measures, pre- and post-the 12-week period, of the self-esteem components, and an upward trend of the state anxiety. However, concerning the Greek traditional dance group, the results of the paired t-tests demonstrated significant positive differences between the two measures, pre- and post-the 12-week online live Greek traditional dance group program, for self-esteem components and state anxiety as well. Finally, these results show that after the participation in the 12-week online live Greek traditional dance group program, the measured variables changed to the desirable direction, as there were observed significant increases in performance self-esteem, social self-esteem as well as in appearance self-esteem, and a significant decrease in state anxiety. However, as for the control group, the measured variables changed to the undesirable direction, as there were observed decreases in self-esteem components, and an increase in state anxiety (Table 2).

IV. DISCUSSION

The results of the present research showed that the participants in the experimental group after their participation in the online live Greek traditional dance group program increased significantly the three self-esteem components, and, also, decreased significantly their state anxiety. These correspond to increases from 6,40% to 10,19%, for the three self-esteem components, and to decreases up to 22,94%, for the state anxiety. On the contrary, the participants in the control group, who didn't participate in any exercise, physical activity or dancing programs for a 12-week period, but continued the daily life they experienced under the COVID-19 conditions, experienced decreases in performance self-esteem, social self-esteem and appearance self-esteem, but an increase in state anxiety. These correspond to decreases from 1,86% to 4,77%, for the three self-esteem components, and to increases up to 5,35%, for the state anxiety. It can, therefore, be said that the participation in online live group program with Greek traditional dances improves self-esteem and state anxiety.

In agreement, other researchers have shown that the participation in physical activity, such as various types of exercise (Brown et al., 1995; Koyuncu et al., 2010; McDonald, & Hodgdon, 1991), hatha yoga and progressive relaxation (Cusumano, & Robinson, 1993), as well as the participation in exercise programs such as walking (Palmer, 1995), weight training and running (Trujillo, 1983), and aerobic exercise programs (Alfermann, & Stoll, 2000; McAuley et al., 1997; Misra et al., 1996), improve self-esteem. It should be noted that the participation in exercise enhances self-esteem more than non-participation in any form of exercise (Elavsky, 2010; Opdenacker et al., 2009; Koyuncu et al., 2010). Additionally, physical activity contributes to the

improvement of state anxiety and its corresponding disorders (Strohle, 2009; Wipfli et al., 2008), and is generally associated with desirable changes in state anxiety and, in particular, its reduction (Berger, & McInman, 1993; Kim, & Kim, 2007; King et al., 1993; Morgan, & Goldston, 1987; Pierce et al., 1993).

Physical activities with dance elements, such as aerobic dance exercise (Mastura et al., 2012; Rokka et al., 2010), hip-hop dancing (Kim, & Kim, 2007), as well as dance movement therapy programs (Brauninger, 2012), can lead to great reductions in anxiety. Moreover, other researchers have shown that the participation in dance programs improved self-esteem, state anxiety, well-being and mental state, while the participants assessed more positively their personal value, their competence and their relationships with others, compared to the control group that lived a sedentary lifestyle (Berrol et al., 1997; Berryman-Miller, 1988; Kim, & Kim, 2007). It is worth mentioning that aerobic dance, and similarly other types of dance, such as tango, appear to improve self-esteem and, also, state anxiety more than other types of exercise (Hos, 2005; Kim, & Kim, 2007; McKinley et al., 2008; Murcia et al., 2009). Thus, dance is one of the best forms of physical activity, through which self-esteem and state anxiety, as well, are improved.

Concerning traditional dances, similar results with the present study regarding self-esteem, were found for Tai Chi, a Chinese traditional form of dance that can be performed in pairs or in a line (Judge, 2003; Li et al., 2001). More specifically, Li et al. (2002) found that older adults who participated in a 6-month Tai Chi program showed increased levels of global self-esteem, domain-specific physical self-worth, and subdomain-specific esteem of attractive body, physical strength, and physical condition. The researchers concluded that Tai Chi is a simple, low-cost form of physical activity that has the potential to alter favorably specific facets of physical self-esteem in the participants, which may in turn enhance important aspects of their quality of life (Li et al., 2002).

Moreover, Kim et al. (2002) observed improvement of self-confidence, moral satisfaction, and psychological state in old women participants in a program of practice with movements of traditional Korean dances. In addition, Eyigor et al. (2009) found that Turkish traditional dance reduced the proportion of participating older women experiencing depression and, also, improved their mental health compared to older women who did not participate in any exercise, proving that traditional dance can have beneficial effects on mental health. It is worth mentioning that the participants in Turkish traditional dance reported that they felt happier after performing the dancing program than they did before (Eyigor et al., 2009).

Concerning Greek traditional dances, Argiriadou et al. (2018) found similar effects on self-esteem. More specifically, after a single bout of Greek traditional dances, the researchers found significant increases in performance self-esteem, social self-esteem, as well as appearance self-esteem in the participants aged 65-88 years. Likewise, no significant difference was observed in the control group. In addition, the findings of the present study confirm the findings of Bougiesi (2015), who found that young and older participants in Greek traditional dance programs had a higher level of self-esteem compared to young and older participants or non-participants in exercise programs.

As for state anxiety, other researchers have, also, found similar results (Argiriadou et al., 2013b; Kornaraki, 2016; Mavrovouniotis et al., 2010; Mavrovouniotis et al., 2016; Papaioannou et al., 2009; Paschos, 2018). More specifically, they have found that the participation in a Greek traditional dance bout may induce state anxiety decrease in young people of 19-33 years old (Kornaraki, 2016), in people of 19->64 years old (Argiriadou et al., 2013b; Mavrovouniotis et al., 2016; Paschos, 2018), and in elderly people of 60-91 years old (Mavrovouniotis et al., 2010; Papaioannou et al., 2009).

Consequently, it can be said that Greek traditional dances, as a form of physical activity, is an effective factor for the improvement of participants' self-esteem and state anxiety, either they are implemented closely, or online and from distance. However, are the effects the same when a program with Greek traditional dances is implemented online and from distance? Indeed, Baez et al. (2016), who implemented an eight-week training program to a control group, representing the traditional individual home-based training program, and to an experimental group, representing the online group exercising, found a significant improvement in subjective well-being and in the enjoyment of the physical activity for the participants from both groups.

In addition, Kaur et al. (2020) indicated that during the COVID-19 period people found social media to be an effective medium to keep themselves up to date about the pandemic situation and to overcome the monotony of home confinement. People use social media to get connected to other people as well as to witness their regular activities, which they were missing otherwise. It is worth mentioning that, even before the COVID-19 period, social support boosts motivation for training and can increase up to 35% more adherence to a physical exercise program (Rhodes et al., 2001). Moreover, social support can be an additional strategy to make exercise events more interactive, resulting in more positive training experience (Kravitz, & Furst, 1991; Pridgeon, & Grogan, 2012). Besides, social media was also used as a platform to learn about virtual fitness techniques and opportunities for online training for physical exercise. During the COVID-19 period, a significantly higher use of information and communications technology has been demonstrated, a fact that indicates higher use of social media and app use for home-based fitness activities (Ammar et al., 2020; Tate et al., 2015). It is worth mentioning that technology-based interventions have also proven to be effective in increasing and maintaining physical activity (Aalbers et al., 2011; Baez et al., 2016; Müller, & Khoo, 2014).

Moreover, the results of the present study are very significant, since the effects of the online live group program with Greek traditional dances on the participants' psychological state are obvious, at a time when due to the COVID-19 pandemic there is an increase in emotional stress and uncertainty regarding many issues, including family, financial, and medical practices. It is worth mentioning that many people are using food to manage the stress of the pandemic, instead of exercise. However, overeating and binge-eating can lead to regret, physical discomfort, and weight gain. Nevertheless, wellness is paramount during the COVID-19 pandemic. Thus, people must address their own wellness through the participation in physical and exercise activities (Nyenhuis et al., 2020). The results of the present research showed that Greek traditional dance is one of the best choices.

Thus, online live Greek traditional group dance may be a modern way of physical activity during this time of social distancing and stay-at-home period. Since Greek traditional dance is an effective form of physical exercise that helps to improve aerobic capacity (Argiriadou, 2018; Argiriadou et al., 2013a; Denazi et al., 2013; Malkogeorgos et al., 2020; Mavrovouniotis et al., 2018; Tsimaras et al., 2010), the participation in online live group programs with Greek traditional dances may broaden the ability to reach the recommended physical activity standards.

Furthermore, online live group dance may be the perfect at-home activity helping the participants stay active and healthy. Moreover, as a fun outlet may offer a note of joy and help mental health during the COVID-19 pandemic, as stay-at-home orders and social distancing is a very difficult situation. It could be said that the online live group dance makes the participants "feel seen and heard during a time when many people feel a little invisible to the outside world!". In addition, through the online live group dance, the participants may get the chance to "let go, be creative, and just dance it out", something that everybody needs at such situations (https://www.districtdanceco.com).

In addition, it is worth noting that new habits of leisure time physical activity, such as Greek traditional dance, may continue once shelter in place orders are lifted. Consequently, Greek traditional dance constitutes an alternative effective form of physical activity that may help in improving the participants' psychological state, even though implemented in online and distance programs.

tinct from the absence of a negative emotional disposition. Wellbeing
represents individual dispositions to experience positive emotions, and is an important marker
of the higher order Positive Emotionality dimension. The scale includes 12 items requiring a
true / false response, with the total scoring ranging from 0 to 12. People who score higher in
this scale tend to describe themselves as cheerful, optimistic, hopeful, having interesting
experiences and engaging in enjoyable activities [Tellegen & Waller, 2008, p. 274].

V. CONCLUSION

The participation in Greek traditional group dance programs, which are conducted online live, may, indeed, have positive effects on the self-esteem and state anxiety of the participants. During these difficult health times that the whole world is experiencing due to COVID-19, participating in online live group programs of Greek traditional dances can help the participants, offering at the same time the solution on the one hand to distance oneself from other people and on the other hand to come in contact with people, through a very beneficial, alternative form of physical activity, like Greek traditional dance. Consequently, Greek traditional dance constitutes an alternative effective form of physical activity that may help in improving the participants' psychological state, even if is implemented in online and distance group programs.

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Completion of The Criminal Case outside Court by the Prosecutor's Office in realizing The Goal of Law Enforcement

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ABSTRACT: One of the state apparatuses that are given the task and authority to carry out law enforcement is the Prosecutor. In carrying out its duties and functions, the prosecutor is organized in an Institution called the Prosecutor's Office of the Republic of Indonesia or can be called the Prosecutor's Office. The main task of the Prosecutor's Office carried out by the Prosecutor is to prosecute criminal cases. In carrying out the task of prosecution, the Prosecutor is authorized to determine whether or not a case can be brought to court and what article will becharged. The authority of the Prosecutor in resolving criminal cases outside the court that makes the author more tendentious to conduct research. The problem with this research is 1). Bhow are the obstacles to solving criminal cases outside the court by the Prosecutor's Office? 2). Is the settlement of cases outside the Court conducted by the Prosecutor's Office in accordance with the values of justice? By using the type of normative juridical research it is known that: The Authority of the Prosecutor in the settlement of criminal cases outside the Court can realize the goal of law enforcement, namely justice, legal certainty and usefulness for the community. The settlement of criminal cases outside the court can also realize the ideals of a fast, simple and cheap judiciary and optimize the participation of the community in law enforcement.

KEYWORDS: Prosecutor's Office; Settlement of Criminal Cases Out of Court; Restorativ Justice

I. INTRODUCTION

Justice enforcement is an important effort in building a dignified community civilization, law enforcement is required to be able to be a mouthpiece of justice enforcement in society, but not always justice can be obtained in a court institution by law enforcement because positive law does not always create a sense of justice, and a sense of justice does not necessarily guarantee the creation of legal certainty. The settlement of criminal cases outside the Court at this time began to be widely applied by law enforcement agencies in Indonesia, especially in the handling of criminal cases committed by perpetrators in meeting the needs of the perpetrator's life.

Crime at this time not only occurs because of the intention of the perpetrator to benefit himself, but economic factors are currently the main reason for the perpetrators of crime in acting. Economic hardship, high cost of living and lack of jobs further increase crime rates. The current covid-19 pandemic situation has resulted in many people losing their livelihoods, where economic difficulties occur not only in Indonesia but around the world. Difficulty obtaining income followed by an increase in the price of basic goods resulted in many crimes committed by the community just to meet the needs of his life and his family. With these circumstances, at this time the tendency of crime with small losses occurs a lot and is a social problem at this time.

According to Barda Nawawi Arief, crime is a social problem that is not only faced by a certain society or a certain country, but is a problem faced by the entire world community. At this time the community still argues that the Institution of Justice is the last resort to get justice in law enforcement, so many people have very high hopes for the institution of the court. While the process of handling a crime can not only be done through the judiciary, but can also be solved by social institutions in the community. Barda Nawawi Arief, Kebijakan Legislatif dalam Penanggulangan Kejahatan dengan Pidana Penjara, (Semarang: CV Ananta: 1994)

Efforts to combat crime are essentially very closely related to crime prevention policies or criminal politics. Criminal politics is a policy or rational effort to tackle crime. According to Barda Nawawi Arief, that broadly speaking, crime prevention efforts can be divided into 2 (two), namely through the "penal" (criminal law) and through the "non penal" (outside the criminal path). Barda Nawawi Arief, Upaya Non-Petal dalam Kebijakan Penanggulangan Kejahatan (Semarang: Bahan Seminar Kriminologi VI di Semarang tanggal 16-18 September, 1981) Then *Sudarto* agreed that the distinction of the penal and non-penal pathways is a rough distinction, because in essence repressive actions (enforcement) is a "preventive" action in the broadest sense. On the contrary, preventive measures are efforts to combat crime in the broadest sense. Sudarto, Kapita Selekta Hukum Pidana (Bandung: Alumni, 1981)

That penal efforts are carried out through a criminal justice process that is run with *the criminal justice system.* In simple terms, the criminal justice process can be interpreted as a mechanism for the work of law enforcement officers, including the

police, prosecutors, courts, and correctional institutions in investigating alleged criminal acts, looking for evidence, finding the culprit, and bringing it to justice to get a punishment that is appropriate for his actions. This can be interpreted that the implementation of criminal justice is the process or work of criminal event law starting from the process of investigation and investigation, arrest and detention, prosecution and examination in court hearings to get a decision. Topo Santoso, Polisi dan Jaksa: Keterpaduan atau Pergulatan (Depok: Pusat Studi Peradilan Pidana, 2000)

Over the course of more than half a century of the nation's journey, it turns out that the practice of law enforcement is still based on the philosophy of retributive and encroachment, so it only focuses on quantitative aspects as output, namely on how many cases are handled and the number of perpetrators imprisoned by law enforcement officials. The criminal justice system is considered successful, if law enforcement officials are able to bring criminals to justice for punishment. Bambang Waluyo, Penyelesaian Perkara Pidana Penerapan Keadilan Restoratif dan Transformatif (Jakarta: Sinar Grafika, 2020) The success of the criminal justice system punishing criminals will have a calm impact on society, on the contrary, its failure can shake public confidence in the implementation of the system and can encourage perpetrators of crimes more courageous to do their deeds. The ultimate goal of the criminal justice system is the realization of an orderly, peaceful, peaceful, just, and prosperous society. Andi Hamzah, Pengantar Hukum Acara Pidana (Jakarta: Ghalia Indonesia, 1985)

The Indonesian Prosecutor's Office adheres to the principle of oportunitas which initially this principle applies on the basis of the unwritten law of Dutch law and has been practiced by prosecutors in Indonesia in the form of stopping prosecution of cases, even if the evidence and witnesses are sufficient. In scientific language it is called "termination of prosecution for *policy*reasons" and in everyday language it is called dismissing cases. Furthermore, *R.M. Surachman* argued, to prevent negative things, such as the commercialization of positions and collusion, the principle of oportunitas, since 1961 was only given to the Attorney General of The Republic of Indonesia. Therefore, if the Prosecutor wishes to set aside a case for which the evidence and witnesses are sufficient, he must request that the case be set aside by the Attorney General. R.M. Surachman, Understanding the Discretion of Prosecutors in Various Countries, in Law Mosaic I: 30 elected languages, (Jakarta: PUSLITBANG Attorney General of Indonesia, 1996).

Onestate apparatus that is given the task and authority to carry out law enforcement is the Prosecutor. In carrying out its duties and functions, the prosecutor is organized in an Institution called the Prosecutor's Office of the Republic of Indonesia or can be called the Prosecutor's Office. The main task of the Prosecutor's Office carried out by the Prosecutor is to prosecute criminal cases. In carrying out the task of prosecution, the Prosecutor is authorized to determine whether or not a case can be brought to court and what article will be charged. Bambang Waluyo, Design of the Prosecutor's function on Restorative Justice (Jakarta: Raja Grafindo Persada, 2016)

The principle of demanding wisdom related to the discretion of the Prosecutor as a state apparatus. In carrying out their duties and authorities, law enforcement officials such as police, prosecutors, judges and lapas, in addition to paying attention to*the policies* outlined by their leaders and the provisions of applicable laws and regulations, in certain situations they also have freedom or discretion*(discretion).* Therefore, there appears the term police discretion, prosecutor's discretion, judge's discretion, and the discretion of the association. Discretion based on Law Number 30 of 2014 on Administrative Government is a decision and / or action set and / or taken by government officials to overcome concrete problems faced in the administration of government in terms of laws and regulations that provide choices, not regulated, incomplete or unclear, and / or government stagnation. Bambang Waluyo, Desain fungsi Kejaksaan pada Restorative Justice (Jakarta: Raja Grafindo Persada, 2016)

Based on Law Number 16 of 2014 concerning the Prosecutor's Office mentioned that only the Attorney General has the right to avoid cases based on the public interest with the consideration that there will be more losses if there is still prosecution for the community and the state. In 2020 after the authority to override cases is only granted to the Attorney General, prosecutors in Indonesia now have the authority to stop investigations and prosecution of cases as stipulated in the Prosecutor's Regulation of the Republic of Indonesia Number 15 of 2020 on Termination of Prosecution Based on Restorative Justice, so that it can be used as a basis by prosecutors in Indonesia to resolve cases outside the court in the face of small cases, small losses, the perpetrator is very old, and so on. In connection with the issuance of the Prosecutor's Regulation of the Republic of Indonesia Number 15 of 2020 concerning the Termination of Prosecution Based on Restorative Justice mentioned above, the reference and main foundation is the achievement of law enforcement objectives, namely justice, legal certainty, and benefit for the community. In its realization in addition to these references also the principles of restorative justice or restorative justice are also carried out. For this reason, the settlement of criminal cases outside the court by the Prosecutor's Office of existence and function needs to be optimized for its implementation.

II. PROBLEM FORMULATION
1. How constraints completion criminal case outside court by the prosecutor'a office?
2. Whether completion of the criminal case outside court already conformity with the values of justice?

III. PURPOSE OF WRITTING

1. To determine and assess completion obstacle criminal cases outside court by the prosecutor's office.
2. To determine and assess the suitability of the settlement case outside court by the prosecutor's office with the values of justice.

IV. METHODOLOGY

The research method that will be used in this research is the method of normative law, law is conceptualized as what is written in the laws and regulations or the law is conceptualized as a norm that is a benchmark for human behavior that is considered appropriate. Normative legal research, among others, examines the emptiness of norms, the blurring of norms and the contradictions of norms. Amiruddin and H. Zainal Asikin, Pengantar Metode Penelitian Hukum (Jakarta: PT. Raja Grafindo Persada, 2008) Peter Mahmud Marzuki explained that normative legal research is a prescriptive legal research where the object of legal science is coherence between legal norms with legal principles, between the rule of law and legal norms, and between the behavior of individuals with legal norms. Peter Mahmud Marzuki, Penelitian Hukum, (Jakarta: Kencana, 2008) This research examines the principles and norms in the setting on the Settlement of Criminal Cases Outside the Court by the Prosecutor's Office.

Assessment in the writing of this research includes normative legal research using several approaches, among others: *the statute approach,* the conceptual *approach*as well as the *case* approachand the comparative *approach.* A*statute approach*is an approach that uses legislation and regulation that will provide an overview of the consistency and conformity between legislation and other laws or between laws and constitutions or between regulations and laws and understand the content of the philosophy behind the law so that it can conclude about the clash of philosophies between laws and regulations. and the problems that are faced. The concept and comparison approach is used because there is a contradiction of norms in the arrangement on the Settlement of Criminal Cases Outside the Court by the Prosecutor's Office. I Made Pasek Diantha, Metodelogi Penelitian Hukum Normatif: dalam Justifikasi Teori Hukum (Jakarta: Prenada Media Group, 2016)

Legal materials used in normative legal research through two types of legal material sources, namely primary legal materials and secondary legalmaterials. Primary legal material is legal material that has binding power. Bambang Sunggono, Metodologi Penelitian Hukum (Jakarta: PT. Raja Grafindo Persada, 2011) The primary legal materials used include: The Constitution of the Republic of Indonesia year 1945, Law Number 16 of 2004 concerning the Prosecutor's Office, Law Number 8 of 1981 on Criminal Procedure Law, Law Number 12 of 2011 concerning the Establishment of Laws and Regulations. Legal journals that explain the settlement of criminal cases outside the court by the Prosecutor's Office, legal papers or the views of legal experts contained in the mass media, dictionaries and encyclopedias of law and the Internet.

The technique of collecting legal materials used in normative legal research is done through library study activities and document studies. The library in question consists of legislation, court decisions (jurisprudence), and books of legal papers. Abdulkadir Muhamad, Hukum dan Penelitian Hukum (Bandung: PT. Citra Aditya Bakti, 2004) These three types of libraries are usually collected in public libraries and libraries specialized in the field of law. Furthermore, the data that has been collected will be analyzed. Salim Hs and Erlies Septiana Nurbani, Penerapan Teori Hukum Pada Penelitian Tesis dan Disertasi (Jakarta: PT Raja Grafindo Persada: 2013) Analysis is defined as the process of organizing and sorting data into patterns, categories, and basic description units so that themes can be found and can be formulated working hypotheses as suggested by the data. Information obtained from primary legal materials and secondary legal materials is further analyzed through measures of description, construction, evaluation, argumentation of interpretation and systematization by collecting legal materials, both in the form of primary legal materials and secondary legal materials. Further classified and structured systematically, analyzed evaluatively, the stage of argumentation in a systematic form.

V. RESULT

1. Completion Obstacle Criminal Case Outside Court By The Prosecutor's Office

In the application of criminal case settlement outside the Court, the Prosecutor in this case the Public Prosecutor has some authority to resolve cases outside the Court. Some of the authorities owned by the Public Prosecutor include Diversion and Restorative Justice, but its application still has some obstacles in its implementation. The obstacles experienced by the Public Prosecutor in applying the authority to resolve criminal cases outside the court in a Diversion and Restorative Justice at this time because in the application of such authority requires the active participation of victims of criminal acts in the deliberation of the settlement of criminal cases in a diversion or restorative justice.

In The Prosecutor's Regulation Number 15 of 2020 clearly stipulated one of the conditions for restorative justice in Article 5 Paragraph (6) point b is*"there has been a peace agreement between victims and suspects",* where the peace process between perpetrators and victims is very important in the settlement of criminal cases outside the court restorative justice and diversion.

In the Prosecutor's Regulation Number 15 of 2020 Article 8 Paragraph (7) and Article 10 Paragraph (6) regulated regarding peace is not successful or the fulfillment of obligations not implemented in accordance with the peace agreement then the Public Prosecutor still submits the case file to the court. The role of the victim in pardoning the perpetrator / suspect in deliberation

becomes the main key in the settlement of criminal cases outside the court by the Public Prosecutor because the Public Prosecutor in the peace deliberation is only a Facilitator so that all decisions in the peace process between the perpetrator and the victim must be carried out by the Public Prosecutor.

2. Completion of The Criminal Case Outside Court Associated With The Values of Justice

Settlement of criminal cases outside the court or referred to as Alternative Dispute Resolution (ADR) or alternative dispute resolution. If you pay attention to its history, alternative efforts to resolve criminal cases outside the court have been long in place before Indonesia became independent, since the time of Dutch colonial rule. This criminal settlement process is known as afdoening buiten process (settlement of cases outside the court). In the Criminal Code (Criminal Code) settlement outside the court is regulated as Article 82 of the Criminal Code called Afkoop, which states, that the authority to prosecute violations threatened with criminal fines only becomes removed, if voluntarily paid the maximum fines and costs that have been incurred when the prosecution has begun.

Resolving criminal cases out of court through a restorative justice approach, the perpetrator can discuss the appropriate punishment for himself along with the victim and the other parties. With the discussion and dialogue between the perpetrator, victim, community and mediator is expected to realize the perpetrator for the mistakes he made, so that the concerned are willing to carry out the 'punishment' that has been mutually agreed. By carrying out a voluntary 'punishment' by the perpetrator, the perpetrator will get forgiveness on the part of the victim, so as to reduce or even eliminate feelings of guilt in the perpetrator. Forgiveness and elimination of these feelings of guilt are needed by the perpetrator, in order to return to live his life normally in the midst of society. Bambang Waluyo, Desain fungsi Kejaksaan pada Restorative Justice (Jakarta: Raja Grafindo Persada, 2016)

The implementation of criminal settlement outside the court is considered to have fulfilled a sense of justice for the victim, the perpetrator and the community, because the process of recovering the loss and suffering of the victim of the crime, the settlement of criminal cases outside the court restoratively also provides an opportunity for the victim to convey his claims and interests to the perpetrator. In the criminal justice system the victim can only act as a witness in a judicial process and the victim cannot convey his or her demands to the perpetrator so that criminal justice does not necessarily satisfy the sense of justice for the victim.

With the form of settlement of criminal cases outside the court, for victims, perpetrators and the public can interact directly and participate in finding a form of settlement to the case by mutual agreement, this solution is more fulfilling the sense of justice for victims, perpetrators and the community, because the parties play a direct role in the settlement of the case. This means that resolving in this way can bring benefit and peace to the community of perpetrators and the community of victims. Expediency and peace are essentially also the objectives of a law enforcement process, in addition to justice and legal certainty.

Restorative justice conducted at the level of prosecution describes the form of settlement of criminal cases in a restorative justice manner to be one of the efforts to solve criminal cases that can reduce the buildup of cases at the court level and the full institution of community. The process of settlement through restorative justice is also faster and more efficient than through the justice system, settlement of cases through restorative justice is considered more realizing substantive justice as desired by the parties (perpetrators, victims and the community) who in this case focus more on the interests of victims. Restorative justice focuses on the recovery of the parties' situation as before a criminal offence occurs.

CONCLUSIONS

Prosecutors have been given the authority to stop criminal cases outside the courts in the history and development of the legal system. Criminal cases settled outside the court are stopped by the Prosecutor's Office, have different legal consequences, namely having permanent legal force, if there are no parties who submit pre-trial and have permanent legal force and no legal efforts for the parties. The benefits of granting authority to the Prosecutor's Office for the settlement of cases outside the court, among others to realize the purpose of law enforcement, namely justice, legal certainty and benefit for the community; to create the ideals of justice, that is, fast, simple, and cheap; effectiveness and efficiency of handling cases; optimizing the participation of the community in law enforcement; reduce the overcapacity of Correctional Institutions and RUTAN; The prosecutor as dominus litis (controller) of the case is appropriately given the authority to stop the case in accordance with the provisions and practices of the judiciary; Create justice in accordance with the growing sense of justice in society. The model of settlement of criminal cases outside the court by the Prosecutor's Office is the termination of criminal cases for technical reasons including the termination of investigations and the termination of prosecutions. In addition, the termination of cases outside of technical reasons includes the principle of oportunitas, afdoening buiten process (afkoop), diversion and restorative justice. Where for the next there are some suggestions that researchers give, namely:

1. The existence and function of the Prosecutor's Office in the settlement of criminal cases outside the court needs to be maintained, optimized, and developed;
2. As a result of the law of termination of criminal cases on technical grounds related to pre-trial need to be maintained as a means of supervision (control) of the Prosecutor's Office;

3. The Prosecutor's Office needs to continue to improve its professionalism and integrity so that all published decisions and regulations reflect justice and expediency for the community.
4. It is necessary to immediately revise and improve the Kuhap, Criminal Code, and other legislation that regulates the forms and substances related to the authority of the Prosecutor's Office which contains the principles of oportunitas, diversion and restorative justice.

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Student's Perceptions of the Use of CBT for the Conduct of General Studies (GST) Examinations in Usmanu Danfodiyo University, Sokoto

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ABSTRACT: The paper investigated the students' perceptions of the use of CBT for the conduct of General Studies (GST) examinations in Usmanu Danfodiyo University, Sokoto. The study employed a descriptive survey design. All the 5600 undergraduate students who sat for GST examinations during the 2019/2020 academic session formed the population of the study. The Israel Model (2013) was used to determine 372 students as the sample size for the study. An instrument titled "Students' Perceptions of Writing CBT Examination" (SPWCBTE) was used for the data collection. The instrument was validated, a pilot study was conducted, and a reliability index of 0.95 was obtained. Results from the study revealed that the students have positive views on the CBT examinations. Some of the problems confronted by students during the examinations, as indicated by the results, include system errors, login issues, and the slow nature of the systems during submission. The study concluded that the students have positive views of the CBT examinations in the university. It was recommended that the university management should be organizing presentations and workshops to promote the CBT system. Majors should be taken to ensure quality assurance and control of the ICT facilities during and after the conduct of examinations.

KEYWORDS: Computer-based test; general studies; perceptions; examination

INTRODUCTION

Paper-based tests were the only method available to educators and instructors for a long time, until the arrival of computers, who jotted down a set of questions on a piece of paper, then distributed these papers to learners, waiting for them to complete and submit the test before the instructors could grade the tests, write feedback, and prepare reports. It was a time-consuming job until the arrival of technology-based evaluation systems, which rendered pen and paper obsolete and gradually gave way to a better, more effective assessment system (Hew, Jia, Gonda, & Bai, 2020). Exams and tests are an important element of the teaching/learning process in education since they allow the teacher to assess pupils during the course and at the end. The extent to which the teacher's educational objectives have been met is determined via tests.

Exams can also assist teachers in evaluating and assessing students to determine whether they are learning what is expected of them. Paper-pencil based assessments are the most common technique of assessing pupils' academic achievement in most schools. Fortunately, the rapid growth of Information and Communication Technologies (ICTs) in teaching/learning has transformed the paradigm of examination from paper-pencil to computer-based tests (Okocha, Eyiolorunshe, & Owolabi, 2017).

According to Soto-Rodrguez, Fernández-Vilas, and Daz-Redondo (2021), computer-based evaluation can help students develop abilities like scientific processing as well as the ability to plan and execute scientific research. Computer testing is more efficient than paper-based testing because it allows for year-round testing, scheduling flexibility, and speedier score reporting, among other benefits. Computer-based testing (CBT) has been discovered to have numerous advantages in terms of test administration. Improved security, access to interactive item formats, and quick scoring are just a few of the advantages (Soto-Rodríguez, Fernández-Vilas, & Díaz-Redondo, 2021). The computer allows for flexible scheduling, allowing examinees to take tests at their leisure at nearly any time (Nugroho, Kusumawati, & Ambarwati, 2017). While taking the test, examinees are given feedback on the correctness of their responses to each question.

In educational settings, computer-based examinations provide students with pleasant contacts or communication opportunities, as well as the ability to obtain fast feedback. It is also cost-effective, and the widespread availability of powerful

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computers in educational settings makes computer-based testing both viable and appealing (Jimoh, Shittu, & Kawu, 2012). CBT also allows test takers to take their exams at any time and from any location.

Despite its many advantages, CBT has some disadvantages. Errors can occur when using a response entry device, such as a keyboard, touch screen, or mouse. Because of their anxiety, examinees may press the wrong key in response to questions, resulting in an error and risking the validity of the examinee's result. The time difference between a person's input and the computer's following response might also be problematic. According to Mills (2015), long time intervals between responses might contribute to negative user attitudes, anxiety, and poor performance. Examinees may give correct answers that the system misses, leading in worse reliability and discrimination indices.

Another important factor that may influence the effective use of computers for assessment is ICT skills. The ability levels of a learner affect how effectively they can handle CBT. ICT skill levels are split into three (3) categories, according to Hains (2021): basic, intermediate, and proficient. Level 1 is the most fundamental level, requiring only the bare minimum of abilities and skills to function. At this level, a teacher can only perform the very minimum functions required to operate the hardware/software. Level 2 teachers are 'average-to-competent,' which means they can cover the basics plus a little more. The majority of your teaching team should be at this level. At this level, a teacher can easily do the fundamentals, as well as demonstrate other abilities that a school would want, so increasing their efficacy and productivity. Level 3 is the best level for a professional, technologically competent instructor who demonstrates efficient adaptation across all critical areas. In terms of professional ICT development, schools should aim for teachers who are between Level 2 and Level 3.

Hundreds of admissions, placement, certification, and licensure testing programs assessments and examinations are now administered on computers in some Nigerian tertiary institutions, with the number growing each year as a result of the migration from paper-based testing (PBT) to computer-based testing. Because a single set of tests or assessments may be taken on multiple devices at the same time, online assessment is critical in education. The responses can be automatically graded and scored in an auto-generated report. Although a single set of tests cannot be done on two devices at the same time, the replies are saved in a database, grades are awarded manually, and the report is generated afterwards. However, as effective and desirable as computer-based assessment has been, it has been built on the assumption that students display what they know and can accomplish, but construct irrelevant elements like disengagement, test anxiety, and cheating pose a danger to the validity of inferences (Manurung, Fildzah, & Rajagukguk, 2019).

The use of computer-based testing versus paper-based testing appears to benefit both the states that administer the assessment programs and the students who participate in them. According to Ladimeji, Yebola, Christopher, and Annenne (2017), in their study on students' perceptions of computer-based tests in Nigerian universities, students gave CBT a positive rating on perceived usefulness (64.3 percent), ease of use (66.1 percent), and credibility (67 percent), and the study concluded that students thought CBT was useful, easy to use, and credible. Some Nigerian universities, such as Usmanu Danfodiyo University in Sokoto, have acknowledged these benefits. This is one of the University's most recent initiatives aimed at encouraging students to get hands-on experience and reducing other sorts of examination malpractice. The General Studies (GS) division was the first institution in the University to implement CBT. Despite the fact that a computer-based test may be a step in the right direction, several variables must be considered before kids are exposed to the testing method. Students' opinions must be heard because they determine the program's effectiveness. Since the use of CBT for the conduct of examinations in the unit has already begun, it is necessary to research students' perspectives on the use of CBT for the conduct of examinations in the unit.

PURPOSE OF THE STUDY
The following objectives are formulated to guide the study:
1. To ascertain the ICT skill level of the undergraduate students of Usmanu Danfodiyo University, Sokoto.
2. To determine the perception of undergraduate students on the use of CBT for GSts in Usmanu Danfodiyo University, Sokoto.
3. To ascertain the challenges the students face during the CBT for GSts in Usmanu Danfodiyo University, Sokoto.

RESEARCH QUESTIONS
1. What is the ICT skill level of the undergraduate students of Usmanu Danfodiyo University, Sokoto?
2. What is the perception of undergraduate students on the use of CBT for GSts in Usmanu Danfodiyo University, Sokoto?
3. What are the challenges the students face during the CBT for GSts in Usmanu Danfodiyo University, Sokoto?

METHODOLOGY
The design adopted for this study was descriptive of a survey type. This form of research design enables researchers to cover a large number of respondents and utilize data collected the way it is without any manipulation. The population for this study was all the 5600 undergraduate students of Usmanu Danfodiyo University, Sokoto. 372 undergraduate students were selected as samples for

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the study as guided by Israel Model (2013) for determination of sample size. A researcher-structured questionnaire pegged "students' perceptions to CBT" was used to obtain necessary information from the respondents. The instrument was a four likers scale of Disagree (D), Strongly Disagree (SD), Agree (A), and Strongly Agree (SA). It consisted of two sections, section A and B. Section A solicited information on the bio- data of the respondents, and section B solicited information on students' perceptions to CBT. To ascertain the level of consistency of the instrument, after the validation, a pilot study was conducted and a reliability index of 0.80 was obtained. The collected data were analyzed using descriptive statistics. The descriptive statistic used to answer the research questions includes percentages and a bar chart.

Research Question 1: What is the ICT skill level of the undergraduate students of Usmanu Danfodiyo University, Sokoto?
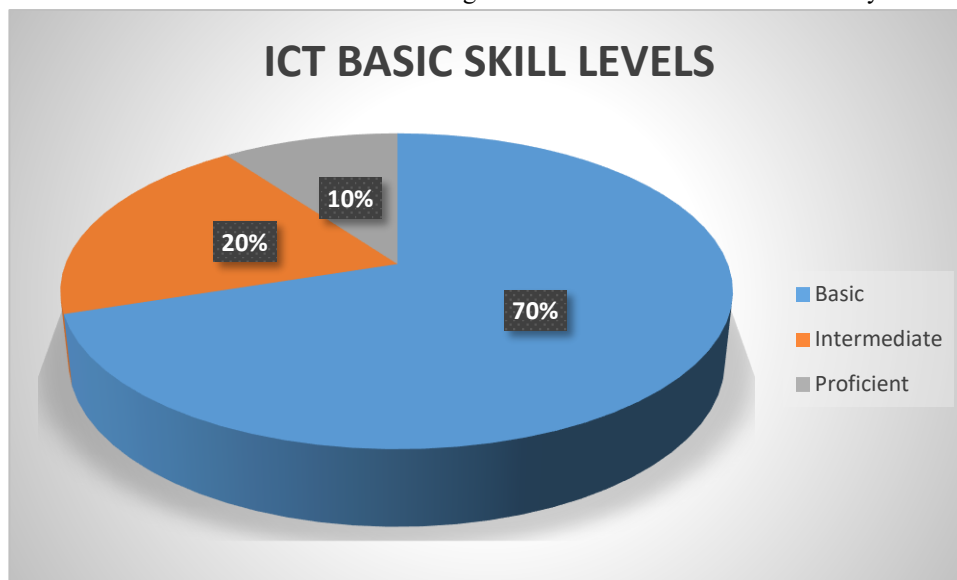
The above figure/chart represents the results of the Usmanu Danfodiyo University, Sokoto undergraduate students' ICT skill levels as revealed by the study. From the chart, it could be seen that 70% of the students are at the basic level of ICT skill, 20% at the intermediate level, and 10% at the proficient level.

Research Question 2: What is the perception of undergraduate students on the use of CBT for GSts in Usmanu Danfodiyo University, Sokoto?

Table 1: Students' perceptions of CBT

S/N	ITEM	SA	A	D	SD
1	I have a phobia of writing exams via ICT devices	-	-	50	50
2	I feel the CBT is better than paper-based exam	60	30	10	-
3	CBT is easier than the paper-based exam	30	40	30	-
4	I feel confident when writing exams via computer	-	60	40	-
5	The software used for the CBT is user friendly	70	20	10	-
6	I wish all exams would be written via computer	-	80	20	-
7	Use of CBT facilitates quick release of results	100	-	-	-
8	Writing exams via computer is a bold step to curtailing exams malpractice.	70	30	-	-
9	CBT helps to reduce errors committed during results compilation	40	60	-	-
10	CBT is faster than the paper-based exams, thus it saves a lot of time.	80	20	-	-
11	There are usually no distractions that constitute a nuisance when using CBT for examination.	30	70	-	-
12	The speed of using CBT for examination is satisfactory	-	30	70	-
13	CBT enhances my effectiveness in academics	70	10	20	-
14	I am not comfortable to take CBT	-	50	30	20
15	CBT gives me greater control over my academics	70	10	10	10
16	Using CBT is often frustrating	-	10	20	70
17	CBT gives me the opportunity to revisit all my attempts.	50	50	-	-

From the results, it is revealed that all the respondents have no phobia of using ICT devices, and feel confident when writing examination via a computer. 60% representing majority of the respondents strongly agreed that the CBT is better than paper-

based examination. Furthermore, the result as agreed by 70% of the respondents indicated that the CBT is easier than paper-based examination. In line with the results, the respondents reported that the software used for CBT in Usmanu Danfodiyo University, Sokoto is user-friendly and wish that all other examinations hold via computers.

In terms of effectiveness, the results showed that 100% of the respondents are of the opinion that CBT facilitates quick release of results, and also adopting it could be a bold step to reducing examination malpractice in the University. As the results indicated, while CBT helps in reducing errors committed during results compilation as indicated by 100% of the respondents, writing examinations computer-based also help save students' as well as invigilators' time during the conduct of examinations. The results as unanimously agreed by 100% of the respondents indicated that CBT gives students the opportunity to revisit all their attempts and make modification where necessary before submission.

As shown by the results, 100% of the respondents agreed that there are usually no distractions that constitute a nuisance when using CBT for examination. As the results have it, 70% representing majority of the respondents opined that CBT gives them greater control over their academic activities.

Research Question 3: What are the challenges the students face during the CBT for GSts in Usmanu Danfodiyo University, Sokoto?

Table 2: Challenges students faced during CBT

S/N	ITEM	SA	A	D	SD
1	I experienced login problems	50	20	20	10
2	Slow nature of the systems used for CBT	-	50	50	-
3	Inconsistency of power supply	80	20	-	-
4	Delay in the commencement of examination	60	20	20	-
5	Inadequacy of ICT facilities for all students to write exams at the same time.	100	-	-	-
6	Lack of stations for students before the commencement of examinations.	100	-	-	-
7	Anxiety affects me during CBT	50	50	-	-
8	I often become depressed during CBT	30	70	-	-

Based on the data collected for the study, it was gathered that among the challenges the undergraduate students experienced during CBT include: login problems; inconsistency of power supply; delay before the commencement of examinations; inadequacy of ICT facilities to accommodate all students at once; lack of conducive station for students while waiting for the commencement of examination; anxiety; and depression. The results also revealed a divided opinion on the wellbeing of the facilities (computers) used for the CBT. While 50% of the respondents agreed that the systems are too slow, the other half rejected the statement.

DISCUSSION OF FINDINGS

According to the findings of the survey, undergraduate students at Usmanu Danfodiyo University in Sokoto have varying levels of ICT proficiency. While the majority of them had basic ICT abilities, just a small percentage of them had intermediate or advanced ICT skills. This discovery is not surprising, as several studies have demonstrated that a big proportion of undergraduate students in 21st-century colleges are digital natives who adore technology and its use (Prensky, 2001; Kivunja, 2014; Riegel & Mete, 2018).

According to the findings of the survey, all of the respondents have no fear of using ICT gadgets and are comfortable writing exams on a computer. This could be due to the fact that the respondents strongly believe that the CBT is superior than the paper-based examination and that the CBT is simpler. This finding supports Idhalama, Odem, and Dime's (2020) assertion that students of this generation want to continue learning using modern technological devices, and thus recommended that government and school administrators encourage the use of CBE/CBT and other ICT facilities to expedite instructional processes among students. In line with the results, the respondents expressed that the software used for CBT in Usmanu Danfodiyo University, Sokoto is user-friendly and wished that all other examinations hold through the use of computers.

In terms of effectiveness, respondents agreed that CBT speeds up the distribution of results and that adopting it may be a bold move toward minimizing examination malpractice at the university. It was also discovered that CBT aids in the reduction of errors made during the compilation of results, and that writing exams on a computer saves both students and invigilators time during the examination process. These findings support Oyero's (2021) findings that computer-based tests have a lot of promise and benefits when compared to traditional evaluation methods. These potentials as indicated by Oyero (2021) include time management, simplicity, curtailing examination malpractice and so on.

According to the findings, login problems, inconsistency of power supply, delays before the start of examinations, inadequacy of ICT facilities to accommodate all students at once, lack of conducive stations for students while waiting for the start of examinations, anxiety, and depression were among the challenges faced by undergraduate students during CBT. This finding is in line with Ogechukwu's (2019) findings that some challenges, such as a lack of infrastructural facilities, insufficient accommodation, equipment, power outages, and examinee incompetence, among others, impacted senior secondary school entrants'

academic performance during the CBT Jamb examinations in 2018. The findings of this study also support those of Adepoju (2016), who reported that delays before the start of the examination, inconsistent internet networks throughout the examination, power outages during the examination, and unfavorable examination settings are among the obstacles of CBT.

CONCLUSION
Most of the undergraduate students in the 21st century are digital natives who prefer to use technology in all they do, including the writing of examinations. Although some of them may oppose the innovation, the fact remains that these students must have 21st-century skills in order to be relevant in their workplaces and functional members of society. These skills include critical thinking, problem solving, ICT literacy, and so on. One of the ways the university could come in to facilitate the acquisition of this set of skills is by subjecting students to writing examinations via computers. This would help motivate the students to acquire more ICT skills.

RECOMMENDATIONS
In line with the findings of the study, the following are recommended:
1. The university management should be organizing presentations and workshops to promote the CBT system.
2. Universities in Northwestern Nigeria should strategically migrate all the lower level examinations to CBT. This is with the assumption that the universities possess the same characteristics as Usmanu Danfodiyo University, Sokoto.
3. To ensure efficiency and effectiveness in the conduct of CBT, all ICT-related challenges should be carefully studied and addressed by university management. This would help to provide a lasting solution to possible problems that might come-up during the conduct of examinations.
4. Major steps should be taken to ensure quality assurance and control of the ICT facilities during and after the conduct of examinations.

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Western Pacific Teachers' Perceptions of Implementing Technology in the Classroom

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ABSTRACT: At a Western Pacific Region school district with six public high schools, district administrators implemented an educational technology training program (ETTP) to improve technology integration in the classroom as measured by the Effective Learning Environments Observation Tool, but there was no follow-up to determine how the teachers perceived the ETTP and to identify the experiences of teachers related to instructional technology after taking the district training. This basic qualitative study, guided by the technology acceptance model, addressed this problem in the district by exploring how the teachers perceived the technology professional development program provided by the district and the teachers' experiences related to instructional technology after taking the district training. The purposeful sample included 13 Western Pacific Region high school teachers who were interviewed via Zoom. Data were analyzed using thematic analysis to create codes, categories, and themes. The participants perceived the ETTP as helpful because they learned new tools and increased their confidence in using technology in their classrooms. Results showed that after completing the ETTP, teachers still needed content-specific technology training and continuous professional development. High school teachers expressed the need for these trainings to continue integrating technology using up-to-date technology tools. Rethinking science professional development is one potential form of social change.

KEYWORDS- Technology, technology acceptance model, online learning, online blended curriculum, technology training, Technology implementation, teaching and learning.

I. INTRODUCTION

Technology has become ubiquitous in all job areas, including education. People are living in an era where technology is rapidly changing, and new forms of information and communication technologies are being introduced; technology has now influenced the education system, making it essential for schools to adapt to the digital world[1]. In 2012, a public school district in the Western Pacific Region created a 5-week educational technology training program (ETTP) for teachers that has continued to grow, with the ninth cohort of teachers starting in November 2020. The district also showed an upward trend in the use of technology in the classroom by teachers and learners as measured by the Effective Learning Environments Observation Tool. The problem is that the district administrators implemented the ETTP to improve technology integration in the classroom as measured by the ELEOT, but there was no follow up to determine how the teachers perceived the technology professional development program provided by the district and the experiences of teachers related to instructional technology after taking the district training. According to the technology director, data from the ETTP for teachers included users' comments about the informal impact of the program and completion data after completing the course. From these data, it is unknown whether the ETTP for teachers is achieving its goal of helping teachers to integrate and incorporate technology and digital tools to enhance teaching and learning.

Additionally, according to a schoolwide announcement in October 2020, the program was put in place to "bridge the gap between teachers' knowledge and the current skills that are essential for 21st-century teaching and learning". The training program provided educators with access to high-quality digital tools to implement in the classroom to enhance learning. Furthermore, the courses were meant to help teachers use different digital tools in their classrooms. In addition to gaining access to digital tools, teachers were trained to use and implement technology to enhance their lessons.

According to a professional development announcement from the district, the ETTP for teachers offers five hybrid courses (online and face-to-face requirements) to complete the program. Each class runs for a total of 45 hours. The courses offered to teachers are Classroom Instruction that Works with Technology, Advanced Computer Applications, Google Apps for Education, Student Tech Products, and Digital Citizenship in Schools. Additional requirements include an educational technology

professional development in-service, integration of educational technology in regular lesson planning, and teachers attending face-to-face sessions once a week. Since 2012, 784 teachers participated in the 5-week technology training program, and 163 were high school teachers.

Literature has emphasized that it is the schools' responsibility to incorporate technology into the classroom to equip students with 21st-century skills to be college and career ready[2]. A global economy is a competitive place where technology is an important skill needed in the workplace[2]. Students who are more likely to be equipped with technological skills have a higher chance of landing a job and excelling in it[2,3]. Additionally, a study conducted found that higher use and integration of mobile technology in the classroom resulted in a positive correlation with student achievement[4]. Therefore, teachers must incorporate technology into the curriculum to allow students to hone such skills to be self-sufficient and productive citizens in the global economy[2]. Furthermore, technology can help students acquire essential skills such as evaluating, producing, presenting, and exchanging information[5]. Because such skills are important for the global economy, technology is also a necessary tool for learning, accessing information, and supporting content.

II. RESEARCH PURPOSE

The purpose of this basic qualitative study was to explore how the teachers perceived the technology professional development program provided by the district and the experiences of teachers related to instructional technology after taking the district training. Teachers are encouraged to complete the technology training program, but little is known about how teachers perceived the usefulness of the program. The program prepares teachers with the technological skills needed to instruct 21st-century learners. The ETTP was funded by the Territories and Freely Associated States Education Grant Program (T&FASEG). The program goals were to

- strengthen instructional technology by recruiting teachers and administrative leaders to complete the program,
- improve student achievement by training teachers to implement high-quality digital tools in their classrooms effectively, and
- ensure that all participants would demonstrate at least 50% of the instructional technology applications in their workplace as measured by the Power Walkthrough Assessment.

Because there were no other data to show application, and it was unknown whether the program was achieving its goals, this research explored teacher perceptions of the ETTP. There was a need for an increased understanding of how teachers implemented technology after completing the training program because teachers must prepare learners for the 21st-century workforce. Furthermore, an understanding can be used by the office of instructional technology to evaluate whether its program is preparing teachers to integrate technology in their classroom and to understand how teachers perceived the effectiveness of the courses offered.

The research questions that guided this basic qualitative study were the following:

RQ1: How do teachers perceive the technology professional development program provided by the district?

RQ2: What are the experiences of teachers related to instructional technology after taking the district training?

III. LITERATURE REVIEW

Technology Acceptance Model

The conceptual framework for this study was the technology acceptance model (TAM)[6]. According to Davis, the TAM focuses on two constructs, perceived usefulness and perceived ease of use. These two constructs are the foundation of determining system use[6]. The theory may be used to predict the likelihood of an individual or organization adopting technology successfully[7]. Many variables influence the use of technology. One variable is the belief that the application or technology will help users perform better at their jobs. This is called perceived usefulness[6]. The second variable is perceived ease of use[6]. Though the user may see the technology or application as useful or beneficial, if the technology or application is complicated, or more effort is needed to learn how to use it, the user is more than likely to reject the technology or application. Perceived usefulness and perceived ease of use are two factors that influence the user's behavior and attitude.

Technology Integration

The world's economy has become a competitive arena in which employees need to be productive to improve the economy, which eventually leads to improving the well-being of others. For a nation to be competitive in a global economy, its human capital (workers) must be trained and educated to develop its natural resources and improve productivity and technology[7]. It is crucial to prepare students today and in the future with the skills, knowledge, and tools demanded with globalization and technological advancement[8]. When students enter the real world, they need to be equipped with the knowledge and skills to be productive employees. Additionally, they are expected to possess the skills to collaborate, solve problems, be creative and innovative thinkers, and use information and communication technology to be effective[9].

To become productive employees, students need to hone such skills at an early age. This is where schools come into play. Schools must integrate these skills into the curriculum. One of the most effective ways of teaching 21st-century skills is

through the use of technology. The use of technology allows students to find effective ways to solve problems[10]. It can enable students to work collaboratively to find solutions. It can allow students to be more innovative and find newer ways to solve problems.

Improving Student Performance Through Technology

When technology is implemented in the classroom in tandem with appropriate instructional methods, learning processes can be improved and increased[11]. Technology integration is more than just teaching students how to use the basics of technology. It allows students to take risks to learn and be resourceful and construct their knowledge through experiences. Additionally, technology can promote active learning, engagement and participation, and interaction and collaboration.

Many educators use technology to support student learning[12]. There are various forms of technology available that can be used to motivate students to participate fully in the learning process. In a study, the authors focused on KeyPad, which is a response system. In their research, the use of KeyPads was associated with levels of student engagement[12]. Technology in the classroom should not just be an add-on to the lesson, and it should be carefully aligned to the course objectives[13]. Also, the inclusion of technology within the curriculum supports students through collaboration and building relationships[14]. The use of technology in the classroom can promote student engagement and learning. As teachers, proper planning is crucial when integrating technology. It must be intentional, ensuring that it is relevant to the lesson and connects with the learning objectives.

It is evident how technology has become common in the classroom, and it is important to understand how technology affects interactions within the classroom. Interaction and collaboration are essential skills students must learn to develop as they venture out into the real world. To promote collaboration, inquiry, and interaction, teachers must consider the design of their learning spaces[15]. Furthermore, how students interact and what tools are used are important factors determining how students interact. One tool that can promote collaboration and student interaction is the use of technology in the classroom. With various types of technology, students can easily collaborate to solve problems and provide critical feedback to one another.

Technology Training and Professional Development

Teachers need to be trained to use new technologies, and they need to be prepared to effectively integrate them into the curriculum to meet the diverse and changing needs of students[16]. There is a need for new professional development to model effective ways to help teachers become comfortable using technology[17]. As a result of all these changes school districts are facing, it is imperative that leaders are preparing teachers by offering continuous support in the form of professional development or teacher training which will enable them to stay abreast with the new forms of technology. According to Saydam[18], there has been an increase in interest in professional development over the last two decades. Teachers are seeking opportunities for professional development to increase the professionalization of teaching[18]. More importantly, these pieces of training will help teachers effectively plan their lessons and improve their pedagogies[19]. Powell and Bodur[20] also stressed the importance of professional development in promoting student learning outcomes.

Within a given school year, teachers participate in professional development mandated by their administrators; however, most of the training does not offer the support teachers need to incorporate technology. Instead, teachers can seek support and create a mentorship program from their peers[21]. Teachers and administrators often do not agree on which professional development topics are essential. Jones and Dexter[22] also mentioned that school administrators disregard the importance of innovations and teacher learning opportunities. Because of this, teachers spend time working alone instead of getting the support they need to implement educational technologies in their classrooms[13]. Teachers need to be encouraged, followed by support through pieces of training for technology to be integrated effectively.

IV. METHODOLOGY

A basic qualitative design was used to understand the phenomena related to technology integration in the classroom. This is a flexible approach to understanding individuals; in this case, classroom teacher's experience and perception of the technology training program that they had completed[22]. The data collection method in qualitative research design is iterative and not chronological, which is a crucial aspect to understand the problem presented. This means that the collection method is recursive in the sense that participants who share their experience can also add information later on, and nothing is set in stone[22]. Because qualitative research is iterative and inductive, it allows new information to unfold and emerge, eventually gathering more important data relating to the study[22]. Using a basic qualitative study approach therefore allowed me to gather teachers' experiences regarding integrating technology in the classroom.

A. Participants

The ETTP for teachers started its first cohort in 2012. There was a total of 784 participants who enrolled and completed the program as of 2019. Of the total, 163 were high school teachers. The setting of this study was four high schools in the Western Pacific Region. The four high schools together serve 3,830 students. There are two other high schools under the district; however, they are located on different islands, so they were not included in this study due to geographic locations and funding. These sites were chosen because they were directly related to the participants of this study and the goal was to understand high school teachers' perceptions and experiences. Because this study was a basic qualitative study, the selection of participants did not

require probability sampling but rather purposive sampling. Purposive sampling was used; therefore, a total of 13 teachers were sought as participants for this study. High school teachers were selected because high school students are of the critical transitional age for college and the workforce. High school teachers are responsible for ensuring that students are prepared with the skills needed for the real world.

B. Data Collection

Because the research design of this research study is a basic qualitative study, and the research questions were based on teacher perceptions, the best method to collect data was to interview teachers to understand their experience firsthand. Moser and Korstjens[23] underscored that interviews aim to articulate meanings based on the participants' experiences. Interviews involve the interviewer asking the participants questions and can be done face-to-face, over the phone, or online via emails[22]. The main goal for interviewing is to contextualize and create meaning of what the participants say[22].

V. DATA ANALYSIS AND RESULTS

A. Analysis

For this study, interviews were used as the primary source of data collection. During the interview process, it was important for the researcher to identify truths and untruths to collect accurate data. During the interview process, the participants' responses were recorded. This technique helped me transcribe and analyze the interviews to ensure that the data collected was rich in meaningful information that answered the research questions.

Data collected from the interview process were analyzed to help develop emerging themes. To make the transcription process smooth and efficient, the Otter.ai's speech-to-text feature was used. The audio portion of the Zoom interview session was used. Additionally, the voice typing feature in Otter.ai to ensure that the transcription was verbatim was utilized.

To simplify this process, data was analyzed and patterns such as repetitive words or phrases were identified. To distinguish codes from one another, a color-coding system was used to differentiate between words or phrases to organize the data. Any terms or phrases that were unusual or did not fit within the codes were set aside for further exploration.

After analyzing the data, four themes emerged. Table 1 lists the four themes and describes each theme.

Summary of Themes

#	Theme	Description
1	Content-specific technology training	The need for technology training on content-specific or domain-specific tools for high school teachers.
2	Ongoing technology training/professional development	The need for periodic and continuous technology training for teachers to continue integrating technology with up-to-date technology tools.
3	Technology professional development increases teacher confidence	The ETTP increased user confidence in integrating technology in the classroom.
4	Teachers learn new tools	Teachers learn about new tools when technology specialists demonstrate new tools that they might consider using in their classroom.

Theme 1: Content-specific Technology Traini*ng*

The first major theme that emerged during data analysis was labeled Content-Specific Technology Training. This theme covered a variety of codes relating to content-specific technology training. The codes related to this theme include technology integration, time, not content-specific, irrelevant, general, elementary level, common apps, and content-specific. All these patterns led to the development of this theme. During the interview, many of the participants revealed the need for content-specific technology training. Although all participants used devices provided by the school to utilize technology in the classroom, teachers also utilized various technology tools to assess and engage students and enhance the content. Technology tools are used through various content areas and are considered a crucial tool to help students succeed. All participants used desktops, TOWs, printers, a projector, ELMO document camera, TV, and iPads to deliver their lessons in the classroom. Regarding technology tools, all participants integrated the following: Google applications, web-based learning tools, graphic design platforms, BlackBoard Ultra, Achieve 3000, and game-based learning tools into their lessons to assess and engage students.

Participants believed that technology is an integral part of the classroom and has been for many years. When the participants were asked, "Do you think you still need support in regards to technology integration? Do you feel the need for additional support in regards to technology integration specific to your course content?" many of them expressed that they needed content-specific professional development. T5 stated, "Absolutely. I wish we had more PDs about it…I actually addressed that to

them [school administrators] that we should have more PDs related to our content." T7 felt that more technology should be integrated into social studies. At the same time, T8 expressed that they wanted more applications and content in the science content area because English and math received more domain-specific technology training support. T8 elaborated that science teachers were unaware of domain-specific applications. T9 wanted to learn more about strategies for integrating technology in essay writing and reading stories. T10 remarked that they looked forward to learning about tech tools in their content area. T11 supported the expression of the previously mentioned teacher and stated, "I would really appreciate if the ed tech program for science is purely for science like use technology that we can actually use for the lab." T12 shared not having enough skills relating to programs such as Achieve 3000 and Renaissance and would like training on the new features because there have been some changes.

Based on the interviews, content-specific technology training is something high school teachers look forward to moving their content forward. The results from Theme 1 agreed with Fernandes et al.[24], which stated that content-specific technology training helped teachers familiarize themselves with new methods for their content. Additionally, teachers use different technology tools to meet the needs of a diverse student population[24]. Likewise, professional development informed teachers about knowledge and skills relating to technology tools[25]. Professional development allowed them to make decisions relating to inquiry-based lessons to meet the diverse learners in the classroom[25].

The participants shared that they attended various professional development or training relating to technology; however, many teachers felt that professional development was not specific to their content. Many participants relied on their own experiences to find tools or applications relating to their content. The participants believed that technology is an integral part of learning and teaching. However, a few reported having access to content-specific training to properly equip them to use specialized technology tools or applications relating to their content. Kalonde[26] had similar findings where for teachers to use content-specific tools adequately, teachers must receive training.

Theme 2: Ongoing Technology Training/Professional Development

The second theme that emerged after the data analysis was labeled ongoing technology training/professional development. This theme covers a variety of codes relating to ongoing technology training/ professional development. The codes related to this theme were support, involve the teachers, listen, needs, survey, more training on science tools, inform teacher, and continue to provide professional development /training. All these patterns led to the development of this theme. Teachers expressed the need for follow-up or continuous technology training or professional development to integrate technology with up-to-date digital tools. The participants shared that the district leaders can continue supporting teachers by offering continuous technology training to update them with the latest tools and best practices.

Furthermore, the participants shared that even after completing the ETTP and various technology professional development, they still need additional support. T2 expressed that district leaders need to support teachers by listening to what teachers say about technology professional development. In the classroom, the one size fits all model does not work. To meet the needs of the different learners, T2 stressed, "I think administration and key management needs to keep listening and seeing what are the needs of the teachers…If that be in the form of a piece of technology or a subscription or training, whatever it is that's necessary." T3, on the other hand, shared that district leaders need to provide more opportunities for teachers to be exposed to different conferences relating to technology. T3 went on to say, "I think we need to expose teachers to more of these conferences, so that we can learn the up-and-coming technologies and programs and apps and that stuff."

T5 shared that the school district needs "to provide more professional development to teachers, and probably hire someone who's actually proficient in explaining a specific application or a tech tool so we would benefit from it." T6 shared that the other teachers who are knowledgeable in technology can support other teachers by sharing tools they use successfully in the classroom. For T7, there is a need for more professional development relating to U.S. history and technology integration for social studies and teachers in general. T7 went on and added that there are free and simple technology tools out there that are effective; however, no training or professional development is being offered to teachers. T9 shared her experience about the shift in teaching from face-to-face to virtual. The teachers received a month-long training for BlackBoard Ultra, the learning management system adopted by the school district. Even with the training provided, T9 reported that teachers still had a hard time learning the ins and outs of the learning management system. T11 shared the importance of lab-based technology in the classroom. T11 also emphasized the need to train teachers to properly use and integrate tools for science, especially in a lab setting.

Additionally, T11 has many devices and sensors but does not know how to use them. Hence, the participants believed that continuous and ongoing training or professional development for content-specific technology use is essential for teachers to integrate and enhance the content effectively. Finally, T12 shared that district leaders need to keep teachers updated, especially when changes within the ELA programs.

Continuing professional development or ongoing professional development supports teachers by ensuring that they enhance their skills and competencies in their domain. Foschi[27] explained that continuous professional development has become a crucial part of educational policies as it improves the quality of education in schools around the world. Teachers have perceived continuous professional development as a need to stay abreast of their content[27]. Professional development serves as a foundation

for improving teachers' beliefs, competencies, and technology practices[28]. Moreover, prior studies have shown that for technology professional development to be effective, extended or continuous professional development is needed. Additionally, access to technology, opportunities for teachers to actively engage, and time to address individual needs and collaboration with peers are needed to be effective[28].

Theme 3: Technology Professional Development Increases Teacher Confidence

The third central theme that emerged after the data collection was that technology professional development increases teacher confidence. During the interview, teachers were asked to share their confidence in integrating technology before completing the ETTP. The codes that helped developed this theme included: confidence (before), not so confident, fairly confident, challenge, and little assistance. A follow-up question was later asked about their confidence after completing the ETTP. The codes related to this theme were confidence (after), increased, learned new technology tools, eye-opening experience, confidence increased, and more confident. All these patterns led to the development of this theme.

Before completing the ETTP, the participants' confidence levels varied concerning integrating technology in the classroom. When asked, "How confident were you in integrating technology before completing the program?" some teachers shared that they were not confident. In contrast, others shared that they were confident. I asked a follow-up question, "How confident were you in integrating technology after completing the program?" Some participants' confidence levels remained the same after completing the ETTP.

Before the ETTP, T2 shared that she was pretty confident using technology in the classroom. She also considered herself a risk-taker. She is willing to try new things to improve her teaching and student learning. After completing the ETTP, T2 shared that her confidence increased because she is now part of the ETTP team. T3 shared that before completing the ETTP, it was her first year teaching. She was not confident integrating technology, but after the ETTP, her confidence grew. She managed to take what she learned and apply it to her teaching. T5 and T6 were competent in using and integrating technology in their classroom before the ETTP. For T5, the courses were more of a refresher but managed to learn new technology tools. T6, on the other hand, mentioned that her confidence grew a bit more after completing the ETTP because she was already teaching online before completing the ETTP. T7, T8, T9, and T10 shared that they were fairly confident using technology before the ETTP. After the ETTP, they all felt that their confidence level increased to some degree. T12 and T13 both shared that they were not confident with technology entering the ETTP. However, after completing the ETTP, they both felt comfortable using technology in the classroom.

Technology professional development/training has an impact on teachers' confidence in integrating technology in the classroom. Professional development can assist teachers in promoting 21st-century learning in the classroom through a technological, pedagogical, and content framework[15]. The ETTP provides a rigorous framework that focuses on technology and other instructional strategies that can improve teachers' pedagogies and knowledge in the classroom. Professional development increases teachers' confidence levels in creating lessons integrating technology that reflect 21st-century skills and increasing teachers' confidence utilizing information and communications technology[15]. Participants shared that technology training can positively influence teacher attitudes and experiences integrating technology in the classroom. Additionally, after completing the ETTP, my participants' confidence and perceived ease of use increased. Flavell et al. discussed that technology training can increase teachers' confidence and usability of digital tools in the classroom.

Previous studies justified the importance of teachers' technology training and professional development; the studies claimed that technology professional development could increase teachers' confidence, usability, and the frequency of integrating digital tools in the classroom to promote 21st-century skills[9,12]. As technology evolves, it is crucial to keep teachers informed about best practices for integrating technology. Furthermore, up-to-date tools could increase student outcomes and prepare them for real-life[11]. Continuous technology training and professional development will allow teachers to remain informed to serve their students better[2].

Theme 4: Teachers Learn New Tools

The fourth major theme that emerged after the data collection was technology teachers learn new tools. During the interview, teachers were asked to describe their experiences when they completed the ETTP. The codes that helped developed this theme included: learned new technology tools, advanced computer applications, relevant, useful, technology integration, useful and pragmatic, practice, and excited to learn and integrate. Additionally, teachers were asked if the courses offered were relevant to their line of work as a teacher and if the courses offered were relevant to their content area. The codes created were relevant, instructional strategies, Google apps, student engagement, and digital citizenship. Finally, teachers were asked about the benefits of completing the ETTP and was completing the ETTP beneficial to them as a teacher. The codes related to this question include provided tools, exposure, comfortable, tech tools, enhanced content, stay abreast, awareness, teaches how to navigate and utilize technology and tools, and efficiency.

After completing the ETTP, teachers learn about new tools when technology specialists demonstrate new tools they might consider using in their classroom. The ETTP developed a framework to allow participants to participate in rigorous coursework. The ETTP offers five courses that allow the participants to gain new technological skills to enhance their practices in

the classroom. Courses such as Google Apps for Education offer teachers the skills to foster 21st-century learning skills in the classroom. Teachers will also learn to work with the various Google apps, including Gmail, Docs, Sheets, Slides, Sites, and Blogger. Student Tech Products is another course offered by the ETTP designed to provide teachers with digital tools to engage students in the classroom. Classroom Instruction That Works (CITW) focuses on best instructional practices using technology. It allows teachers to explore various tools that they can implement in the classroom.

The ETTP has made teachers aware of how effective technology can be in the classroom. Additionally, the ETTP introduced different technology tools that can be integrated into the classroom. T2 shared that the ETTP has helped with "opening my eyes to the fact that there's stuff out there." T3 expressed that the ETTP did not only teach about applications and technology tools but introduced various strategies to implement in the classroom. T5 shared, "I just learned a bunch of stuff from that training that I incorporated in the classroom." Additionally, T5 mentioned that "It was more of a refresher on my part and also learning new things."

T6 found the ETTP to be relevant to their job as a classroom teacher. T6 said, "when I took the EdTech Cohort, it just opened up a lot of resources that I can use that I found…relevant to my course, that could make learning fun and engaging." T9 also supported the previous teacher and expressed that the ETTP supplied her with more tools to integrate further within her content. T7 shared that he took away valuable things from the ETTP that he could incorporate into his classroom, eventually becoming a part of his teaching. T8 shared that it was an "eye-opening experience." T8 learned different strategies and shortcuts from the ETTP.

Additionally, she shared that she did learn an assortment of digital tools, Prezi being one of them. T8 and T9 both encourage other teachers who have not completed the ETTP to sign up because it is an excellent opportunity to learn new things that can be helpful in the classroom. For T9, although some of the things that were taught were more of a refresher, she still learned new technology tools. T9 modeled the strategies her instructors used in the program and saw that they had profoundly impacted her teaching. T10 was already comfortable using mainstream technology tools. However, the ETTP provided him with additional technology resources and tools that he had never used before. T11 shared that she was more aware of the different tools out there. T11 grew to love using Adobe because of the ETTP and continues to use it today. T12 continued to integrate different strategies that she learned from the Digital Citizenship course. T12 continued using game-based learning to assess her students as well as other graphic design platforms that are free. Her experience with technology has changed after completing the ETTP. The integration of technology made her job as a teacher more efficient. T12 expressed that her students enjoyed it when technology was integrated into the lesson. Finally, T13 shared, "I'm still thankful that I learned some tools from the EdTech Program, and I use them in my classroom. So that's the positive side of it."

VI. CONCLUSIONS

The problem is that district administrators implemented the ETTP to improve technology integration in the classroom as measured by the ELEOT. However, there was no follow-up to determine how the teachers perceived the district's technology professional development program and the teachers' experiences related to instructional technology after taking the district training. Through interviews, important information about the problem was unraveled. The participants shared that the ETTP had equipped them with tools; however, there is a need for content-specific and continuous professional development to integrate technology relevant to their content.

Through the data collection and analysis, many high school teachers expressed their appreciation of the ETTP for allowing them to learn new teaching strategies and technology tools to incorporate in their classrooms. Although they can add more tools to their toolbox of technology tools, the findings revealed a dearth of content-specific technology tools and professional development.

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Use of Incremental Model in Analyzing Bangladesh Education Policy 2010

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ABSTRACT: Education is one of the essential components in developing a scholarly society capable of facing the demands and challenges of the twenty-first century. Education policy refers to the principles of government policymaking in the educational sector and the set of laws and norms that govern the operation of the educational system. It focuses on the effects of educational policy decisions and alternatives in the real world. It investigates the link between educational policy and practice. Even though our educational system has shortcomings, we are improving daily. Bangladesh is fully committed to the EFA goals, the Millennium Development Goals, and universal declarations. Every child between the ages of six and eighteen is entitled to free education under Article seventeen of the Bangladesh Constitution. As a result, the "National Education Policy 2010" was created using the incremental model of one of the most used public policy frameworks. The government makes incremental public policy decisions based on earlier actions. All of the model's functions are divided into distinct groups. Our educational system underwent significant changes over a long period. The incremental model's important aspects are time progression and social demand.

INTRODUCTION

Educational development is considered the essential tool for achieving the objective of poverty reduction. Only a well-educated state, with modern brilliance, intellect, and forward-thinking, can bring the country to its pinnacle of development. As a result, we must broaden the scope of our educational system. That is why a good education policy is essential. Therefore, one of the most prevalent public policy frameworks, the incremental model, creates the "National Education Policy 2010." The incremental public policy paradigm is based on the education of post-government operations with only minor changes. Political scientist Charles E. Lindblom first proposed the incremental model in response to the classic rational model. It examines existing programs or policies and builds on them to improve change. Rather than creating a new program or policy, it seeks to strengthen existing ones. However, whether the change is dramatic or non-radical is a crucial aspect of incrementalism. Is the policy change consistent with broader trends or a radical break from traditional policymaking? When we look at the characteristics of the incremental model, we can see that our education policy and this model have a lot in common. The modifications made to our educational system did not occur over a short period. It came through the evolution of time and social demand, which are the main features of the incremental model. It has an impact on the entire education policy to cope with modernity.

OBJECTIVES OF THE STUDY

The "National Education policy 2010" is made by one of the most popular models of public policy, the incremental model. Though there have several issues in our education system at present, it is developing day by day. Therefore, the education policy can work as a basis for an education system suitable for delivering education as a strategy to continue all problems. The primary objectives include:

    i.   To review the education system of Bangladesh**;**
    ii.   To analyze the national education policy 2010 to find the application of the incremental model of public policy and
    iii.   To suggest and conclude further development of education system.

RESEARCH METHODOLOGY

Generally, research methodology is a mechanism for collecting data and knowledge to achieve the research goals. Therefore, it focuses mainly on the data collection processes, tools, and techniques. The study used qualitative methodology. Secondary data was obtained from current literature such as books, newspaper accounts, past research works, conference articles, studies, etc. whereas, sample interviews questionnaire surveys gathered primary data.

Education System in Bangladesh

The mainstream General Education in Bangladesh is structured as follows:

Use of Incremental Model in Analyzing Bangladesh Education Policy 2010

1. **Pre-school Education:** Before infants begin formal schooling, it is vital to create an atmosphere conducive to developing universal human characteristics such as unending surprise, unlimited curiosity, joy, and inexhaustible zeal that exist in the deep recesses of the infantile mind. And the youngsters will be emotionally and physically prepared in this environment. As a result, starting pre-primary schooling is crucial in preparing students for secondary school. Furthermore, this group-based preparatory education will build a passion for learning. In some district offices and cities, pre-school instruction is available. Pre-school carters cater to children aged 3-5 years old.

2. **Primary Education:** Primary education lasts five years (grades 1 to 5), and the entry age is six years old. Since 1992, primary education has been free and compulsory. In 2006, the government piloted a school-leaving public examination after fifth grade. From grade 1-8 eight, primary education is envisioned in the 2010 education policy (e.g., incorporating junior secondary education). The coexistence of three distinct streams characterizes Bangladesh's primary education system. The mainstream, for starters, is a vernacular-based secular education system that dates back to the country's colonial era. Second, there is a distinct religious, educational system. Finally, the third stream of education, based on English as the medium of teaching and employing the same curriculum as the British Education System, has arisen mainly in metropolitan areas. Bangladesh's mainstream education system is as follows:

3. **Secondary Education:** Junior secondary (grades 6–8), secondary (grades 9–10), and higher secondary (grades 11–12) are the three levels of secondary education. (for students in grades 11–12) The education system of madrasahs is comparable to that of the government. It incorporates religious studies and offers identical essential courses in the general stream (primary, secondary, and post-secondary). As a result, a student who passes the Dakhil Examination of the Bangladesh Madrasah Education Board can enroll in HSC courses in a college.

4. **Higher Education:** Universities (both public and private) and post-HSC colleges and institutions of diverse studies in professional, technical, technological, and other special education offer higher education. General, Science and Technology and Engineering, Medical, Agricultural, and Distance Education are the five forms of higher education provided. Vocational and Madrasha education is also available through higher education. Higher education in Bangladesh consists of a three-year pass or four-year honors bachelor's degree, followed by a two-year Master's degree for Pass graduates and a one-year Master's degree for honors graduates.

5. **Cadet Colleges:** Cadet colleges are an essential part of the educational system in Bangladesh. A cadet college is a room and board institution run by Bangladeshis. Faujdarhat Cadet College, created in 1958 in the Chittagong area, was Bangladesh's first cadet college. There are now 12 cadet colleges in Bangladesh.

6. **Madrasah Education System:** The Madrasah Education System is a religious education system that teaches all the education fundamentals in a spiritual setting. Religious courses are conducted in Arabic, and in some locations, students also volunteer at local masjids. Students must also study to complete all of the courses in the General Education System, as required by law.

7. **Technical and Vocational Education System:** The Technical and Vocational Education System offers courses in applied and practical science, technology, and engineering, as well as specialized areas.

8. **Adult and Non-Formal Education:** The goal of adult and non-formal education by 2014 is for all adult citizens to be literate. Bangladesh has one of the world's largest illiterate populations. The country's illiteracy rate is high due to the limited breadth and rigidity of formal education on the one hand and population explosion and poverty on the other. As a result, an effective mass education program based on adult and non-formal education matching the learners' age and learning areas is critical.

EDUCATION POLICY IN BANGLADESH

The principles of government policymaking in the educational realm and the collection of laws and rules that control the operation of the educational system are referred to as education policy. It focuses on the practical impacts of educational policy decisions and alternatives. It looks into the relationship between policy and practice in education. Bangladesh's education strategy reflects the constitutional guarantee at all levels of education. The Constitution of the People's Republic of Bangladesh states that the state must take adequate measures to:

a) establish a union, mass-oriented, and universal system of education, and extend free and compulsory education to all children to such a stage until determined by law;

b) link education to societal demands and develop people who are trained and motivated to meet those requirements; and

c) eliminate illiteracy within the timeframe set by legislation.

Table 1: Increment of Bangladesh Education Policy

Education Commission	Chairman
National Education Commission (1972)	Kudrat-e-Khuda
Interim Education Policy (1978)	Kazi Zafar Ahmed
National Education Commission(1987)	Mafiz Uddin Ahmed

Use of Incremental Model in Analyzing Bangladesh Education Policy 2010

Education Committee (1997)	Shamsul Haque
National Education Policy (2000)	Shamsul Haque
National Education Policy (2002)	Dr. MA Bari
Education Commission (2003)	Professor Muhammad Moniruzzaman
National Education Policy (2010)	Professor Kabir Chowdhury

Education is an ever-changing notion. Adaptation and modernization will continue to keep up with the advancement of knowledge and research. Similarly, practical experiences gathered throughout the policy's implementation stage, and a current inside, science, and technology will enrich the policy. Two points about the education policy should be made clear:

    i.   It is not an education policy of any political party; instead, it reflects the aspirations and expectations of the entire nation; and

    ii.   ii. It is not an absolute entity; there will always be room for changes and amendments, and errors can be corrected.

OBJECTIVES OF EDUCATIONAL POLICY

Education is interested in boosting individual growth, productivity, and comprehension, leading to adult productivity and well-being. As a result, education policy goals include:

- locating an outstanding location to meet present and future parental demand for education.
- To provide all children with a meaningful and relevant learning experience both economically and developmentally significant.
- To improve teachers' qualifications and performance, physical facilities, teaching and learning materials, minimum standards, regulatory requirements, assessments, examinations, and other aspects of the education and learning curricular within reasonable limits to support the meaningful and relevant learning experience required by studies.
- To attain these policy objectives by maximizing the potential of all available national resources in the most cost-effective way possible.

NATIONAL EDUCATION POLICY 2010

The present government came to power after winning the 9th parliamentary election in 2009. After assuming office in 2009, it formed a committee to formulate an education policy to achieve education and human resource development goals as enunciated in Vision 2021 of the government and its election manifesto. This policy's most important feature is that it prioritizes religion, science, and technological education; it attempts to unite all students in the country, regardless of their beliefs, genders, physical limitations, socioeconomic status, or geographic location. The committee, led by National Professor Kabir Chowdhury, reviewed the reports of the Quadrat-e-Khuda Education Commission and the Shamsul Haque Education Committee and drafted a statement that considered the current socio-economic situation and global setup.

Table 2: National Education Policy at a Glance

Chairman	Kabir Chowdhury National Professor
Co-Chairman	Dr. Qazi Kholiquzzaman Ahmad Chairman, Bangladesh Unnayan Parishad (BUP) President, Bangladesh Economic Association (BEA)
Member Secretary	Professor Shaikh Ekramul Kabir Director (Training & Implementation) National Academy for Education Management (NAEM)
Members	Fifteen members

THE OBJECTIVE OF BANGLADESH'S NATIONAL EDUCATION POLICY 2010

The National Education Policy (2010) has a total of 30 goals and objectives, with the following emphasized:

- Reflect the constitutional guarantee at all levels of education; Stimulate the intellectual and practical abilities of learners;
- Promote the stability of national history, tradition, and culture;
- Remove socio-economic discrimination; Create unhindered and equal opportunities for education for all;
- Ensure high-standard skills in various areas.
- Create a society where illiteracy is no longer a problem.
- Warn the students about the dangers of using drugs or other similar substances.

Use of Incremental Model in Analyzing Bangladesh Education Policy 2010
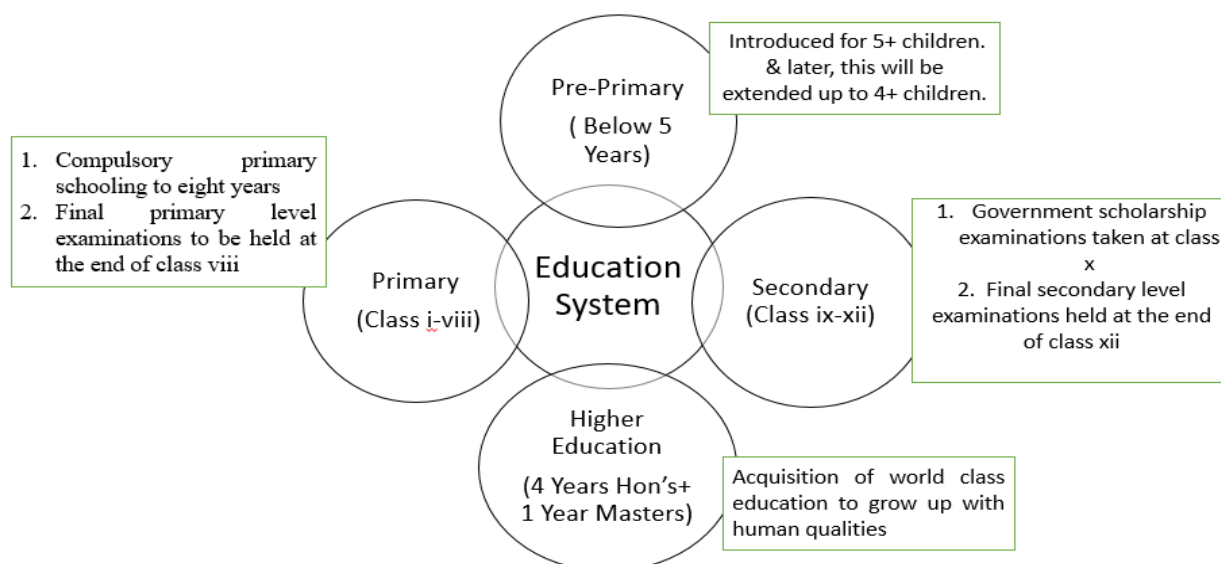
Figure: Education System as per National Education Policy 2010.

SALIENT FEATURES OF NATIONAL EDUCATION POLICY 2010
- Preschool education and rearranging primary and secondary education system
- Emphasizing vocational education
- Establishing uniform Education with several compulsory core subjects for the primary three streams
- Standard public examinations at grades five, eight, ten, and twelve
- Modernizing Madrasa education
- Emphasis on Information and Technology Education
- Mandatory Religion and Moral Education and Introduction of Fine Arts
- Environmental Education and research
- Important on disabled, street-children and extreme-poor children's education.

CHANGING STRUCTURE OF EDUCATION POLICY 2010
Bangladesh government has changed the existing education system by national education policy-2010. It includes:
1. Pre-primary Education

Pre-primary education is a period of preparation before formal education begins. It intended to motivate children to study, attend school, and develop their senses by increasing the number of schools offering pre-primary education. It is vital to establish an environment favorable to the formation of the universal human dispossession in 1997 primary education. It aims to get the children habitual to come to school and remove their school anxiety before beginning formal education. Pre-primary education is required for all children under the 2010 education policy. Shishushreni has been taught in all elementary schools since 2011, according to this policy.

2. Primary Education

Primary education is the foundation for developing a skilled workforce and a road to educating the entire population. As a result, it is the government's constitutional responsibility. Changing trends in primary level education:
- In 1974, the government passed "The Primary School Act 1974", nationalized 36165 private primary schools as government primary schools, and introduced a complete free primary education system. In 2013 government has declared to nationalize more than 26193 private primary schools as government primary schools.
- In 1990 government passed the "Primary education Act 1990," and since 1992, 605 seats have been reserved for women in the case of teacher recruitment.
- To engage disadvantaged children in the educational system, the government created the Food for Education Program in 1993, which appeared to be highly beneficial. The primary education rate grew from 77 percent to 87 percent in 1994 due to these measures. After that, the government launched the Stipend Program, which was renamed "Primary Education Development Program" (PEDP-2), in place of the Food for Education Program, and the program's length was extended until 2009. The goal of this program was to improve primary education and meet the Millennium Development Goals (MDGs).
- Since 2009, the student government has been conducting the "Elementary School Certificate Exam" to improve the quality of primary education and reduce the number of schools that have closed.

3. Secondary Education

To raise the standard of higher secondary education, the government has taken various initiatives to impart quality education at the elementary level, expand and consolidate the information acquired during primary school, and enable students to receive a firm foundation of quality higher education.

- The secondary level of education in the new academic structure consists of seven (3+2+2) years of formal instruction. Junior secondary education lasts three years (grades 6–8), secondary education lasts two years (grades 9–10), and higher secondary education lasts two years (grades 11–12). Since November 2010, the government has been conducting junior school certificate examinations following the Education Policy of 2010. After completing class 10, students will take a public exam and be given class 12 based on the results.
- The National Curriculum and Textbook Board (NCTB) has established an independent textbook education committee to maintain the textbook's quality level. Expand free education up to class 8 from the previous.
- Since 1994, the government has introduced a stipend program to increase girls' participation in secondary and higher secondary levels all over the country.
- To increase women's participation in the teaching profession at the secondary level government has reserved 30% seats for women. In addition, the government has taken a "program to motivate, train, and employ female teachers" to fulfill this purpose.
- The government has come up with a tactic to improve the qualitative standard of the education system. The government has initiated a creative education system since 2010 to promote students' innovation and creativity.
- Bangladesh Government has introduced a grading system to standardize the education system since 2010. In addition to this, another step was taken to crackdown on corruption in the public exam in 2013, and the program has successfully rooted out corruption.
- Bangladesh government introduced free books distribution program at the secondary level in 2010 to ensure an all-embracing education system. This program encourages poor students to continue their education.
- According to the education policy 2010, the teacher-student balance would have to be progressively raised in phases 1:30 by 2018.

4. Higher secondary level

Bangladesh's government has formulated some necessary measures to cope with globalization and modernization in recent times. Some of these steps are given below:

- Since 1994, the stipend program has launched a stipend program at higher secondary education levels to increase women's education. It was very fruitful in advancing the status of women's participation.
- The government of Bangladesh introduced a grading system to evaluate students' merit since 2003 in the higher secondary level.
- Stipends have been offered for their studies based on results in higher secondary education since 2004 by the government of Bangladesh
- To reduce students' dependency on cramming and guidebooks, the Bangladesh government launched an innovative questionnaire system in HSC in 2010.

STRENGTHS OF THE EDUCATION POLICY 2010
- The policy emphasizes "creativity" to develop a better workforce
- Providing free textbooks to students
- Ensuring equal rights in education for all
- Particular program for dropped out students in the vocational sector
- Use of ICT in the education sector in the recent establishment

LOOPHOLES OF THE EDUCATION POLICY 2010

Bangladesh's education strategy is incremental, and as a result, it suffers from instrumentalism's flaws. Furthermore, it is poorly planned and designed. Before the system can be broken down and constructed incrementally, it must have a clear and thorough definition. It solely considers previous experience and fails to adapt to changing circumstances. The 'Creative Questionnaire' has a flaw, which appears to be discrimination across mediums (general, English, and madrasa). Because of the uncertainty, policymakers are hesitant to implement new programs or policies. In primary and secondary schools, there is a lack of structural accountability. The method of moral education is not well defined, and master's level study options are limited. In remote places, challenged children were not given special consideration. There is no formal plan for ICT education in rural areas, and there are few options for vocational education at the primary level. There are no strict procedures in place to punish dishonest educational administrators. Furthermore, no detailed plan exists to combat students' digital gadgets during exams.

RECOMMENDATIONS

a. The focus should be on the quality of education rather than on the quantity of advancement.
b. The policy should address the problem of prohibiting the publication of notebooks and the operation of coaching centers.
c. Policy papers should include clear instructions for managing the exam's "digital copying" technology.
d. The number of private medical colleges should be limited.

CONCLUSION

Education considers as one of the essential components in establishing an empowered knowledge-based society capable of meeting the demands and difficulties of the twenty-first century. Even though our educational system has several flaws, we progress day by day. Bangladesh fully adheres to the education for all (EFA) goals, the Millennium Development Goals, and universal declarations. According to Article seventeen of the Bangladesh Constitution, every child between the ages of six and eighteen is entitled to free education. As a strategy to continue all difficulties, this education policy can serve as a foundation for an education system, readily available, uniform, universal, well organized, science-oriented, and of a high standard. Incremental public policy is taken based on previous activities of the government. The model categorizes its all purposes into different categories. In this model, policies are made through further amendments/corrections. Policymakers generally agree to take the legitimacy of established programs and tactility agree to continue previous policies. Bangladesh's government uses the incremental model in education policy for these reasons.

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Elopement (DOPOFILEIGHOO) Tradition on the Muna Ethnic Society at Muna Barat Regency of Southeast Sulawesi, Indonesia

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ABSTRACT: This study discusses the factors that caused the Muna ethnic society to elope (dopofileighoo) at Muna Barat regency of Southeast Sulawesi, Indonesia. This research needs to be carried out because of several reasons, such as: First, the tradition of elopement (dopofileighoo) at Muna Barat regency of Southeast Sulawesi, Indonesia has attracted the attention of many people, including the Muna ethnic society itself. Second, the factors that cause the Muna ethnic society to elope seem to be a very important and interesting topic to discuss. This study uses a qualitative description through the technique of interviews, observations, and document studies. The research data were analyzed descriptively, qualitatively, and interpretively. The results of the research showed that several factors that caused the Muna ethnic society to elope (dopofileighoo) tradition are as follows: (1) male's parents wanted a big party, (2) one of the male's or the female's parents did not approve their marriage, and (3) the female has been pregnant before the marriage party.

KEYWORDS: elopement, dopofileighoo, tradition, Muna ethnic society

INTRODUCTION

Marriage is a permanent relationship between a male and a female that is legally recognized by society based on marriage regulations that apply to a particular society. The form of marriage depends on the local culture and will be different from other cultures. Marriage is generally carried out to form a family. A legal marriage bond is evidenced by the existence of a document in the form of a marriage certificate or marriage book for husband and wife.

Every ethnic group in the archipelago has different marriage customs from one another. In this study, it will be discussed one of the marriage traditions in the Muna ethnic society at Muna Barat regency of Southeast Sulawesi, Indonesia. One of the marriage traditions on the Muna ethnic society at Muna Barat regency of Southeast Sulawesi, Indonesia is the elopement (dopofileighoo) tradition.

In the past, elopement (dopofileighoo) tradition was very often carried out by the Muna ethnic society. The female's parents sometimes extend the engagement period, for example, because their daughter is not yet an adult. Usually, because the grooming candidate can't wait too long so that he tries to get in touch with his girlfriend through a family member or good friend to ask her to elope. If his girlfriend agrees, then they decide a good time and decide a place where they stay. The place that they can stay is the imam's home or the society figure's home. After that, the male goes to the imam's home or the figure society's home to wait for his girlfriend. At night, her girlfriend is picked up by a couple of families (a husband and a wife from the male's family).

The tradition of elopement at Muna Barata regency, especially at Sawerigadi Sub-district of Muna Barat regency has attracted the attention of many people, including the Muna ethnic society itself. This is because the tradition of elopement causes many problems in the Muna ethnic society. These problems can generally be resolved properly through various customary settlements of the Muna ethnic society. However, elopement tradition sometimes creates new problems, such as conflicts between the female and the male families or conflicts with the third party. Therefore, elopement tradition is one of the problems faced by the Muna ethnic society. This is very disturbing to some parties, especially the female's family. The cause of elopement tradition can come from the female family or the male family. The Muna ethnic society elopes due to various reasons. The reasons may differ

from one party to another. The discussion of the factors that cause elopement tradition on the Muna ethnic society at Muna Barat regency of Southeast Sulawesi seems to be a very important and interesting topic to be discussed.

Based on the explanation above, the researchers are very interested in discussing the factors causing the Muna ethnic society at Muna Barat regency of Southeast Sulawesi to do the elopement tradition. The factors that caused the Muna ethnic society at Muna Barat regency to do the elopement tradition will be discussed systematically in this article.

LITERATURE REVIEW
Concept of Marriage
The concept of marriage is explained in Law No.1 of 1974. This law does not only regulate civil relations issues, but this regulation also becomes the legal basis which is very closely related to the basic rights of a human child, or more to live. Society as stipulated in the 1945 Constitution. The rights attached to the constitution relating to the provisions of Article 5 paragraph (1), Article 20 paragraph (1), and Article 29 of the 1945 Constitution concerning the basic right to form a marriage bond. The formulation of Law No. 1 of 1974 in Article 1 is: "Marriage is an inner and outer bond between a female and a male as husband and wife to form a happy and eternal family (household) based on the One Godhead.".

Marriage is an agreement between a female and a male to build a household and should be recorded at the Office of Religious Affairs. The ceremony at the heart of marriage lies at the time of the marriage contract which is witnessed by members of the society. Marriage in the Muna society is very unique and has existed since time immemorial before the entry of Islam in Muna. After the arrival of Islam and the acceptance of this religion by all the people of Muna, the previous marriage system remained unchanged, especially concerning the issue of dowry. What has changed is only the consent process, which follows Islamic teachings as marriage in Islam. However, along with the times, the process and procedures for the wedding ceremony began to change. Meanwhile, in general, the marriage process for the Muna people consists of three processes, namely the process of kabhasano dhoa salama, kafofelesao, and kafosulino katulu.

Traditional Marriage
Traditional weddings in Indonesia are very diverse, some of the major traditional wedding customs that are often used to sanctify weddings are Javanese traditional weddings, Minangkabau traditional weddings, Betawi traditional weddings, Chinese traditional weddings, Malay traditional weddings, Sundanese traditional weddings, Batak traditional weddings. , modern weddings and many other wedding customs. As it is known that Indonesia has various tribes and cultures, so it is not surprising that we often see very unique traditional ceremonies. The wedding ceremony is a traditional ceremony that must be taken care of because that is where the identity will be reflected, and the unity of a family can reflect the unity of a country.

METHOD OF THE RESEARCH
Research design
This research is qualitative. Kirk and Miller (1986: 9) said that examines certain traditions in social science that are fundamentally dependent on observations of humans in their area. Furthermore, Strauss and Corbin (2003: 4) explain that the findings in qualitative research are not obtained through statistical procedures or other forms of calculation. Examples include research on a person's life, history, and behavior, the role of organizations, social movements, or their reciprocal relationships. Some of the data can be calculated as census data, but the analysis is qualitative.

Data Types and Sources
The type of data in this study is qualitative data in the form of narratives, descriptions, and points related to the issue of the tradition of elopement on the Muna ethnic society at Muna Barat regency of Southeast Sulawesi. Data sources consist of primary data and secondary data. Primary data were obtained from observations and results of in-depth interviews with informants in the field relating to the implementation of the elopement tradition on the Muna ethnic society at Muna Barat regency of Southeast Sulawesi. Secondary data were obtained from books, manuscripts, results of previous research, and other documents related to the tradition of elopement in the Muna ethnic society. The primary and secondary data were analyzed descriptively using deconstruction theory. The theory was not tested but was used as an analytical guide to describe the factors that caused the Muna ethnic society to do the elopement tradition at Muna Barat regency of Southeast Sulawesi.

Research Instruments
The instrument of this research is in the form of an interview guide in which was equipped with writing instruments and a recording device (recorder). In addition to the interview guide, as a research instrument, audiovisuals were also used in the form of a video camera/handy cam. Interview guides equipped with stationery and tape recorders were used when conducting in-depth interviews with informants about the problems discussed in this study.

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Determination of Informants

In qualitative research, the determination of informants is very important because the data would be obtained from them. In this study, the informants were determined purposively. Determination of informants is carried out based on several considerations, namely: (1) the person concerned has personal experience under the problems studied, (2) the age concerned is an adult, (3) the person concerned is physically and mentally healthy, (4) the person concerned is neutral, has no personal interest to vilify people, (5) the person concerned is a public figure, and (6) the person concerned has extensive knowledge about the problem being studied (Sudikan, 2001: 91).

Data collection technique

To obtain information, both in the form of primary data and secondary data, several techniques were used, namely observation, in-depth interviews, and document studies.

Observations were made several times by the way researchers directly observed the people who live around the research area, especially at Sawerigadi Sub-district of Muna Barat regency to find out the people who were involved in the implementation of the elopement tradition. In addition, to use observational techniques in this study, researchers also used in-depth interview techniques to obtain detailed information or explanations about the factors that caused the Muna ethnic society to do the elopement tradition at Sawerigadi Sub-district of Muna Barat regency.

The type of interview used was an unstructured interview. In this regard, the researchers can ask questions freely based on the main questions contained in the interview guide that has been prepared formerly. To avoid data distortion, the manual recording was carried out and recording was done by using a recorder. According to Sugiono (1992: 56), data collection through in-depth interviews can be ended if the information obtained is considered sufficient or has obtained adequate data.

Document studies were conducted to obtain secondary data from various documents related to this research. According to Gulo (2003: 123), documents are written records of various activities or events in the past. The documents used as secondary data sources in this study are (1) a book written by Couvreur (1935) entitled Ethnografisch Overzicht van Moena translated by Rene van den Berg (2001) entitled The History of Ethnic Culture of Muna (Berg, 2001), (2) a book which written by La Niampe, et al. (2018) entitled Wuna Anaghainia, and (3) a dissertation written by Aso (2005) entitled "Ritus Peralihan pada Etnik Muna, di Kabupaten Muna, Provinsi Sulawesi Tenggara: Keberlanjutan dan Perubahan.

Data analysis technique

In this study, data analysis was carried out descriptively, qualitatively, and interpretively. In qualitative data analysis, the data is described in the form of words or sentences. The data analysis procedure was carried out continuously during the research through three activity lines, namely (1) data reduction, (2) data presentation, and (3) data interpretation and concluding (Miles and Habermas, 1992: 89). Wuisman (2013: 32) states that interpretive analysis is essentially a redrawing of the meaning system that has been developed by the members of the human group concerned together and applies among them.

The process of data analysis begins with observations, followed by in-depth interviews, and cross-checking the data. The next step is to reduce the data which includes various activities, such as data selection, data focusing, simplification, coding, classification, pattern making, and description of documentation for conditions which has a subjective meaning. Then, the activities of presenting the data and interpreting the data are carried out by compiling narrative texts and causal plots.

RESULT OF THE RESEARCH AND DISCUSSION

The factors that cause the Muna ethnic society to do the elopement tradition at Muna Barat regency of Southeast Sulawesi

Based on the results of data collection in the field, several factors caused the Muna ethnic society at Muna Barat regency of Southeast Sulawesi, Indonesia does the elopement tradition are as follows: 1) The female's parents wanted a big party, 2) One of the female's or male's parents did not approve them to marry, and 3) The female has been pregnant before the marriage party. The three main factors will be described as follows.

The female's parents wanted a big party

The desire to marry is the instinct of every human being. Likewise, the Muna ethnic society at Muna Barat regency of Southeast Sulawesi wants a smooth and happy marriage. However, this desire sometimes has some obstacles and challenges. One thing that is quite a challenge for both the female and male who wants to get married is the desire of the prospective bride's parents to hold a big party. This is not a problem for the prospective groom or the family of a female who is economically capable or from a wealthy family. The males who have the ability in the economy of course also want to carry out a big party when they want to marry. On the other hand, for the male who has an economic shortage or does not have enough money to hold a big party, this will be an obstacle in holding a marriage. The desire to hold a big party for the bride's family or parents becomes an obstacle for the prospective groom to get married. The male usually finds it difficult and unable to hold a large party in a wedding party. The males usually have

to go to work first to earn some money to fulfill the wishes of the prospective bride's parents. This usually lasts a very long time, so the male has to wait quite a while.

Too long to wait and the desire to get married soon led both parties, namely the prospective bride and groom, to be forced to find other alternatives so that they could get married soon. One alternative that is usually done by the Muna ethnic society is to elope. Forcibly, the prospective groom usually takes the initiative to carry away the prospective bride (his fiancé) based on mutual agreement The goal to elope is so that they are taken care of and mated quickly so that they can become legal husbands and wives.

The phenomenon above is reinforced by information from the informant, La Moloku (76 years old), a traditional leader of the Muna ethnic society at Lombu Jaya village, Sawerigadi Sub-district of Muna Barat regency, Southeast Sulawesi, Indonesia. He revealed that:

"There are many factors that cause the prospective groom to take his fiancée away from the Muna tribal society, especially in the village of Lombu Jaya. One of them is the desire of the girl's parents to hold a wedding with a big party, even though the man who proposes is from among the poor or who is not financially capable, so the marriage is delayed or even canceled. Because the female and the male (prospective groom and bride) are impatient to wait a long time and they want to get married soon, they are forced to elope. (Interview 19 November 2021).

Based on the information above, it can be understood that the desire of a female's parents to carry out a big party at his/her daughter's wedding is one of the reasons for the occurrence of elopement in the Muna ethnic society at Muna Barat society of Muna Barat regency. This is also supported by the results of an interview with the informant, Wa Kota (56 years old), as one of the perpetrators of elopement. She said that:

"We used to elope because my husband didn't have enough money to hold our wedding party. There are many costs involved in the wedding ceremony, such as money to propose, which is 12 bokas, buying materials for the party, and the processes are very long-winded. We both agreed to elope and it worked. We are now married and thank God we now have 8 children. The cost of our wedding was not too big, only adjusted to the customs of the Muna ethnic society. (Interview November 19, 2021).

Based on the information above, it can strengthen the previous information that one of the factors causing elopement is the desire of the girl's parents to hold a wedding which requires a large amount of money and cannot be prepared by the prospective groom. Under the deconstruction theory that other things can be overhauled in a discourse. According to this theory, elopement is carried out as a result of demands to marry a large party that costs a lot of money. That is, when the budget for marriage is afforded by the prospective groom, then there will be no elopement. In a sense, the prospective bride and groom will marry normally as usual without going through elopement. Based on this information, it can also be said that the insufficient cost of the wedding party that must be prepared by the prospective groom to hold a party as desired by the prospective bride's parents is one of the factors for elopement.

The parents of the prospective groom or bride do not approve of the two prospective brides. There are many barriers to marriage, including the blessing of parents. The blessing of parents in marriage is very much adorned with the news of the absence of marriage. However, different things are found on the Muna ethnic society. The disapproval of one of the parents in marriage does not prevent both parties (bride and groom) from getting married. This disapproval led them both to elope or commonly known as dopofileighoo. Dopofileighoo tradition can be said to be one of the traditions of the Muna ethnic society, whose process has been regulated. In a sense, various things related to dopofileighoo tradition have been explained in the traditions of the Muna ethnic society.

To get the blessing of marriage is not a difficult thing if the wishes of children and parents are different in terms of the criteria for a life partner. From an Islamic religious perspective, there are four criteria for choosing a good partner in a marriage, namely religion and morals, economic circumstances, handsomeness or beauty, and social status or family circumstances. When the criteria desired by parents are different from the criteria desired by the child, then this is generally one of the causes of parental disapproval in marriage. This disapproval is a challenge and obstacle for the two prospective brides (bride and bride) who want to get married. This disapproval sometimes causes the marriage to be annulled, and each one looks for another life partner who meets the criteria of the parents. However, this disapproval sometimes does not prevent the prospective bride and groom from continuing to carry out the marriage. One of the paths taken by the Muna ethnic society, especially at Sawerigadi sub-district of Muna Barat regency is dopofileighoo or elopement. Derrida in his theory of deconstruction has mentioned that certain pressures make some parties do something out of the ordinary. In other words, they were both forced to find other alternatives so that they could get married soon. One alternative that is usually done by the Muna ethnic society, especially at Sawerigadi Sub-district, Muna Barat regency of Southeast Sulawesi is to elope.

The statement above is in accordance with the information from La Moloku (76 years old), a traditional leader of the Muna ethnic society at Sawerigadi Sub-district of Muna Barat regency which stated that:

Elopement (DOPOFILEIGHOO) Tradition on the Muna Ethnic Society at Muna Barat Regency of Southeast Sulawesi, Indonesia

"Elopement (dopofileighoo) is also common because both parents or one of the parents of the female and male do not approve of their relationship, even though the female and the male have loved each other and want to get married soon. Because the male and female couldn't take it anymore and wanted to get married soon, they were forced to elope.", (Interview, 20 November 2021).

Based on this information, it can be understood that the disapproval of both parents or one of the parents is one of the reasons for the occurrence of elopement on the Muna ethnic society at Muna Barat regency of Southeast Sulawesi. This is also supported by the results of an interview with Wa Kota (56 years old), as one of the perpetrators of elopement. He said that:
"My parents did not agree with our marriage, so we had to elope. Instead of committing adultery and we already want to get married soon, so we just elope, later it will be approved too", (Interview 19 November 2021).

Based on this information, it can be understood that one of the factors causing elopement is the disapproval of both parents or one of the parents. This means that when both parents or one parent approves of their child's marriage relationship, there is no need to elope. In a sense, the girl and boy will marry normally as usual without going through elopement. This is also supported by the results of an interview with La Salamati (52 years old), as one of the informants that:
"Parental approval is very important. Many marriages are canceled because their parents do not approve. Children do not dare to marry if their parents do not approve. However, sometimes it is also found that children are forced to find other ways when they are not approved, usually, they elope. Their desire is very big to get married", (Interview 21 November 2021).

Based on this information, it can be understood that one of the causes of elopement is the disapproval of both parents or one of the parents. When waiting for parental approval, which is not known when it will come, usually the two girls and boys who already have a great desire to get married can't stand it anymore, so they elope. By elopement, they hope that their parents will immediately approve or immediately marry them.

Based on the explanation above, it can be concluded that the disapproval of both parents or one of the parents in marriage is one of the factors causing elopement or dopofileighoo tradition on the Muna ethnic society at Muna Barat regency of Southeast Sulawesi. Moreover, if the disapproval of both parents or one of the parents is very large, both the female and the male are in good health. The male and the female have been loved each other and can't stand it anymore to get married. This is what led them both to elope (dopofileighoo) on the Muna ethnic society.

The female has been already pregnant before the wedding party was carried out
One of the 'disgraces that are happening now is a female who has been pregnant before the wedding party is carried out. This can happen to any society, including in the Muna ethnic society. The Muna ethnic society considers that getting pregnant out of wedlock is a 'big disgrace, which brings shame and tarnishes the good name of the family. This is understood by the entire Muna ethnic society.

Considering that getting pregnant before marriage is a shameful thing, the Muna people generally hide it and try to keep it from being known by others. One way to do this is to elope or commonly called dopofileighoo. The male who has impregnated her must be responsible and they decide to elope in order not be heard by the common people in the society. If the female's parents feel embarrassed and worried that many people in the society will find out, then one solution is to elope. This statement is reinforced by the information from La Moloku (76 years old), one of the traditional leaders of the Muna ethnic society at Sawerigadi Sub-District of Muna Barat regency of Southeast Sulawesi who stated that:
"Prospective brides who are already pregnant (before marriage) are sometimes found on the Muna ethnic society at Sawerigadi Sub-district of Muna Barat regency. This is a disgrace and shame for the family, especially the bride's family. This is an accident that is difficult to explain. Finally, because the woman was already pregnant, they were forced to elope.", (Interview 19 November 2021).

Based on the information from the informants above, it can be understood that the prospective bride who is already pregnant can be one of the triggers for elopement on the Muna ethnic society, especially at Sawerigadi Sub-district of Muna Barat regency of Southeast Sulawesi. This is also supported by the results of an interview with Wa Huslia (56 years old), as one of the female's traditional leaders who live at Sawerigadi Sub-district of West Muna Barat regency of Southeast Sulawesi. She said that:
"There is a woman who was pregnant before she got married, so the solution is that she and her boyfriend should run away (eloped) to Pak Imam's house," (Interview 21 November 2021).

Based on the information provided by the informants above, it can be concluded that one of the factors causing elopement is a female who has been already pregnant (before marriage). In a sense, if she is not pregnant, then they will not be burdened to get married immediately or to elope. This is also supported by the results of an interview with La Moloku (76 years) a traditional leader of the Muna ethnic society who said that:
"Parents must pay attention to their child's association, especially when hanging out with men because if their child is pregnant out of wedlock, usually the marriage process is not normal, such as through elopement," (Interview 19 November 2021).

Elopement (DOPOFILEIGHOO) Tradition on the Muna Ethnic Society at Muna Barat Regency of Southeast Sulawesi, Indonesia

Based on the information from the informants above, it can be said that one of the causes of elopement is the presence of a female who has been already pregnant before marriage. This is because the female already wants to build a new household. After all, she is already pregnant, no longer going through a long process. This phenomenon has been explained in the deconstruction theory that sometimes someone tries to be critical and fight against what is customary in society.

CONCLUSION

Based on the findings and discussion of this research, it can be concluded as follows: 1) Elopement (dopofileighoo) tradition is one of the traditions of the Muna ethnic society at Muna regency of Southeast Sulawesi, Indonesia. Various matters related to elopement tradition and its consequences have been regulated in the customs of the Muna ethnic society. 2) The Muna ethnic society does elopement tradition due to various reasons. Three factors that cause the Muna ethnic society to elope (dopofileighoo) are: (i) The female's parents wanted a big party, (ii) One of the females or the male's parents do not approve of their marriage, and (iii) the female has been already pregnant before the wedding party.

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Determination Authority of State Financial Loss in Criminal Acts of Corruption Post Constitutional Court Decision Number 25/PUU-XIV/2016

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ABSTRACT: The Constitutional Court (MK) issued Decision Number 25/PUU-XIV/2016 on January 25, 2017. This decision states clearly that the word "can" in Article 2 paragraph (1) and Article 3 of Law Number 31 Year 1999 jo. Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption (UU Tipikor) is unconstitutional and lacks legal force. With the elimination of the word "can," a person can only be said to have violated Article 2 paragraph (1) and Article 3 of the Anti-Corruption Law if the person's actions resulted in real state losses, or losses of the nature of actual loss, and not to accommodate state losses that are still potential, or potential losses.

A. RESEARCH BACKGROUND

The foundation for measures to prevent and eradicate corruption is Law Number 31 of 1999 concerning the eradication of criminal acts of corruption, as amended by Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the eradication of criminal acts of corruption. The first alteration happened on July 24, 2006, when the Constitutional Court declared in its ruling Number 003/PUU-IV/2006 that the Elucidation of Article 22 Paragraph (1) of the Corruption Crime Act was contrary to the constitution, resulting in it becoming a legal norm. The term "can" was removed from Article 2 paragraph (1) and Article 3 of Law Number 31 of 1999 as amended by Law No. 20 of 2001 concerning the Eradication of Criminal Acts of Corruption by the Constitutional Court in its decision number 25/PUU-XIV/2016 (UU Tipikor).[1]

As a result, the corruption offense has been transformed from a formal offense to a material offense with a consequence, namely that the element of state financial loss must be calculated in a real/certain manner. This means that the enforcement of the offenses in Article 2 paragraph (1) and Article 3 of Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning Eradication of Criminal Acts Corruption has shifted its meaning since the a quo decision because it has been declared invalid and contrary to the 1945 Constitution.

This petition was submitted by seven civil servants and retired civil servants from across the country. Because they were indicted based on the *a quo* provisions, three of the seven Petitioners characterized themselves as victims as a result of the enforcement of Article 2 paragraph (1) and Article 3 of Law Number 31 of 1999. Meanwhile, the other Petitioners contend that *a quo* provision could jeopardize their constitutional rights as State Civil Apparatus (ASN). As ASN, the Petitioners frequently make choices about policy implementation, such as implementing development initiatives in their particular regions. The policy could be sanctioned if these provisions are fulfilled. [2]

The Petitioners' concerns, particularly to the phrase "can" and the phrase "or another person or a corporation" being applicable. The Petitioners allege that it is impossible for state authorities to not make decisions aimed at implementing development projects in their particular regions, and that it is equally difficult for project organizers (tender winners) to not benefit from the projects they implement. So that the Petitioners can be subjected to *a quo* norm at any time, even if they are capable of performing their duties and functions as ASN in accordance with the rules and regulations.

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[1] The Court's Decision stated; "Stating the word 'can' in Article 2 paragraph (1) and Article 3 of Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning Eradication of Criminal Acts of Corruption is contrary to the 1945 Constitution and has no binding legal force". (Constitutional Court Decision Number 25/PUU-XIV/2016 p. 116). This decision was not taken unanimously. There were four Constitutional Justices who submitted dissenting opinions, namely I Dewa Gede Palguna, Suhartoyo, Aswanto, and Maria Farida Indrati. In essence, these four judges rejected the review of Articles 2 and 3 of the Anti-Corruption Law. They reasoned that the two articles proposed were not in conflict with the 1945 Constitution and remained as a formal offense.

[2] Constitutional Court Decision Number 25/PUU-XIV/2016 p. 6-8

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B. PROBLEM FORMULATION

The research problem can be defined as follows, based on the problem's background:

1. What implications does the abolition of the word "can" from Article 2 paragraph (1) and Article 3 of Law Number 31 of 1999, as amended by Law Number 20 of 2001, have on the law enforcement process for the criminal act of corruption, as stated in the Constitutional Court Decision Number 25/ PUU-XIV/2016 dated January 25, 2016?

2. How is law enforcement process against the Criminal Acts of Corruption for the use of Article 2 paragraph (1) and Article 3 of Law Number 31 of 1999 after the Constitutional Court Decision Number 25/PUU-XIV/2016?

C. RESEARCH OBJECTIVES

This research, which was conducted using an analytical descriptive method, aimed at explaining legal issues as mentioned in the research problem and attempt to understand in-depth studies of legal issues and the reasons behind the occurrence of legal problems. It is hoped that the results of this study will give birth to prospective thoughts in the framework of legal reform related to legal issues that are the focus of research.

Based on the formulation of the research problem, the purpose of this research is to discover, analyze, and explain:

1. Implications for the law enforcement process for the criminal act of corruption for the abolition of the word "can" in Article 2 paragraph (1) and Article 3 of Law Number 31 of 1999 as amended by Law Number 20 of 2001 as contained in the Decision of the Constitutional Court Number 25 /PUU-XIV/2016 dated January 25, 2017.

2. The process of law enforcement against the Crime of Corruption for the use of Article 2 paragraph (1) and Article 3 of Law Number 31 of 1999 after the Decision of the Constitutional Court Number 25/PUU-XIV/2016.

D. DISCUSSION

At least four benchmarks are taken into account since the MK's legis ratio shifts the meaning of substance towards corruption violations. The four benchmarks are (1) *nebis in idem* with the previous Constitutional Court Decision Number 003/PUU-IV/2006; (2) the emergence of legal uncertainty in formal corruption offenses, leading to their conversion into material offenses; and (3) the relationship/harmonization between the phrase "may harm state finances or the state economy" in the criminal approach to the Anti-Corruption Law and the administrative approach in Law Number 30 of 2004 concerning Government Administration and (4) there is an alleged criminalization of the State Civil Apparatus (ASN) by using the phrase "can harm state finances or the state economy" in the Anti-Corruption Law. [3]

Although the Constitutional Court did not grant the Petitioners' entire petition, it did provide an interpretation that one of the elements of a corruption offense was a "actual loss" (real state loss) rather than a "potential loss" (potential state financial loss or estimated state financial loss), as regulated and practiced previously. This is what changes the definition of the offense in Article 2 paragraph (1) and Article 3 of the Anti-Corruption Law from a formal and material to a material offense. [4]

. In practice, the Public Prosecutor (JPU) frequently uses the provisions of Article 2 paragraph (1) and Article 3 of the Anti-Corruption Law in indicting corruption suspects. According to the Independent and Advocacy Institute for Judicial Independence (LeIP), 735 corruption cases were reviewed and decided at the cassation level in 2013. Based on the number of instances, 503 cases (68.43%) employed the provisions of Article 3 of the Anti-Corruption Law to apprehend corrupt officials, while the other cases (approximately 147 cases or 20%) used different provisions. It is worth noting that the Petitioners' assertions that the provision "may affect state finances or the state economy" are considered contrary under the 1945 Constitution. In fact, the use of the provisions of Article 2 paragraph (1) and Article 3 of the Anti-Corruption Law by the Public Prosecutor to indict corruptors is very common, as indicated above and as has become public information. These measures are being used to save the state's finances and economy, not the other way around. As a result, the Petitioners' request that the a quo provision be declared unconstitutional under the 1945 Constitution creates a contradiction with public fact. [5]

However, if the element of offense "can damage state finances or the state economy" is issued in Article 2 paragraph (1) and Article 3 of the Anti-Corruption Law, this presents a new challenge for the roles and responsibilities of the Police, Attorney General's Office, and the Corruption Eradication Commission (KPK) in fighting corruption. As a result of the Constitutional Court Decision Number 25/PUU-XIV/2016, which invalidated the phrase "can" in the sentence "can harm state finances or the state economy," as stated in Article 2 paragraph (1) and Article 3 of the Anti-Corruption Law, the offense that was formally an offense

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[3] Constitutional Court Decision Number 25/PUU-XIV/2016 p. 101-104

[4] Fatkhurohman, *Pergeseran Delik Korupsi dalam Putusan Mahkamah Konstitusi Nomor 25/PUU-XIV/2016, Jurnal Konstitusi*, Volume 14, Nomor 1, Maret 2017.

[5] Emerson Yuntho, et.al, "*Penerapan Unsur Merugikan Keuangan Negara dalam Delik Tindak Pidana Korupsi*", (Research Result Report, Indonesian Corruption Watch, 2004), p. 19.

has now become a material offense. Because the definition of state loss is no longer a potential loss but must be a true loss (actual loss).

The Constitutional Court believes that applying the element of state loss using the idea of actual loss provides more legal certainty that is fair and consistent with attempts to synchronize and harmonize legal instruments, which is one of the reasons for its ruling. [6] If the consideration of this decision is an effort to enforce material law because it prioritizes real losses, then the question becomes whether the consideration of this decision is a form of substantive justice that the Constitutional Court has lauded by relying on progressive law to achieve expediency and legal justice. If this is the case, the product of this idea will, of course, be focused at preventing and eliminating corruption, which is a common enemy that may be faced by anyone at any moment. [7]

As previously stated, in practice at the corruption investigation and judicial levels, a person is frequently detained and sentenced for violating the Anti-Corruption Law's Articles 2 and 3, even though real state losses have not been proven. According to the Constitutional Court Decision Number 25/PUU-XIV/2016, the element of "harming state finances or the state economy" must be materially proven, and judges must consider establishing all criminal components in Articles 2 and 3 of the Anti-Corruption Law while making conclusions.

So far what has happened is that if it is proven that the element is against the law and enriches oneself, a person is immediately considered proven and sentenced, even though the element of state loss does not exist or is not proven, it can only be "estimated" (potential loss).

The Constitutional Court's decision No. 25/PUU-XIV/2016 clearly limits and restricts the ability of investigators and judges to apprehend corrupt officials, but it also defines and improves legal protection, clarity, and justice for all parties. People can no longer be penalized unless there is a written rule of law in place and actual evidence of state losses. People cannot be arbitrarily arrested and detained without being prosecuted, thereby putting an end to rumors of wrong investigations and trials. The law's impact on future practice is that, before conducting investigations into corruption cases, law enforcement officers must be able to prove the existence of real state losses.

Based on the Circular Letter of the Supreme Court Number 4 of 2016 concerning the implementation of the formulation of the results of the Plenary Meeting of the Supreme Court in 2016, it is stated in Part A number (6) of SEMA 4/2016 that the State Audit Board (BPK), which has constitutional authority, is the agency authorized to declare whether there is a loss of state finances. This means that audit agencies other than BPK are not permitted to declare whether or not there has been a loss of state funds. Other auditing bodies, such as BPKP, are solely allowed to audit and scrutinize state financial management. Of course, this brings its own debate about how governmental funds are calculated and how corruption is eradicated. The ASN, for example, must first await the conclusions of the BPK audit regarding state losses; the KPK's operations will undoubtedly be hampered as a result of their inability to wait for the BPK audit's results; this, of course, will have an impact on the progress of corruption eradication.

Moreover, regarding the length of time taken by BPK to audit state losses; if the BPK takes too long to conduct the audit, it will, of course, have an impact on the KPK's efforts to prevent and combat corruption. As a result, the KPK is extremely reliant on the BPK. Actually, there are no problems or conflicts of norms in the substance of Articles 2 and 3 of the Corruption Law regarding the word "can," the problem that becomes problematic is related to proving the existence of an element of state loss, which has an impact on the difficulty of investigating cases of criminal acts of corruption because it must first prove the state loss. As a result of the abolition of the word "can" in the Constitutional Court Decision Number 25/PUU-XIV/2016, the result is that if the prohibited consequences, namely harming state finances or the state economy, have not or have not occurred, while other elements, such as opposing the law and enriching oneself, another person, or a corporation, have been fulfilled in real terms, then there has not been a criminal act of corruption.

Since the Constitutional Court's decision is *erga omnes* (meaning it affects all people), any decision involving criminal law must consider the principles of criminal law. To support the concept of the rule of law as referred to in Article 1 paragraph (3) and Article 28D paragraph (1) of the 1945 Constitution, the formulation of a criminal offense must comply with the principles of *lex previa* (not retroactive), *lex certa* (must be clear), *lex stricta* (must be firm), and *lex stripta* (must be written). The creation of such a criminal charge would be in violation of our constitution if the foregoing principles were not followed. Because it is unclear, has multiple interpretations, expands authority, and creates legal uncertainty, the formulation of the offense that does not meet the requirements above is plainly detrimental to citizens. [8]

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[6] Constitutional Court Decision Number 25/PUU-XIV/2016 p. 83

[7] Fatkhurohman, *ibid* p. 21.

[8] Amir Syamsudin, *Putusan MK dalam Penegakan Hukum Korupsi*, Harian Kompas 02 February 2017.

E. CONCLUSION

1. The Constitutional Court's decision Number 25/PUU-XIV/2016 is worth discussing further because it has altered the nature of eradicating corruption in Indonesia, particularly in terms of how to prove Article 2 paragraph (1) and Article 3 of the Anti-Corruption Law in court after this decision, and it also raises concerns in the law enforcement of corruption if it is linked to the implementation of the articles in Law Number 30 of 2014 concerning Government Administratio There was a change in the part "can be detrimental to state finances and the state economy" after the Constitutional Court's decision. Prior to the issuance of the Constitutional Court's decision, Article 2 paragraphs (1) and 3 of the PTPK Law were included as formal offenses, which did not require the consequences in the form of financial losses and the state's economy. However, after the issuance of the Constitutional Court's decision, Article 2 paragraph (1) and 3 of the PTPK Law became a material offense, requiring that there must be consequences in the form of financial losses and the state's economy. Thus, there is a change from potential loss only to actual loss.

2. The formulation of Article 2 paragraph (1) and 3 of Law no. 31 of 1999 was changed to a formal offense by the Constitutional Court through Decision No. 25/PUU-XIV/2016. It is reasonable to state that, the qualification of the offense referred to Article 1 paragraph (1) letters a and b of Law no. 3 of 1971 is a material offense. Amendment of Articles 2 and 3 of Law no. 31 of 1999 became a material offense, containing several juridical consequences, namely (1) elements of state financial losses or the state's economy must be visible/realized/real (actual loss); (2) to be considered a corruption offense, it must first determine whether there is a real loss; and (3) to determine whether or not there is an element of state loss, it must go through the procedures carried out by the agency that has the authority to do so.

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Web-Based Teaching Materials in the Covid-19 Pandemic: Implementation of Technological Advancements

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ABSTRACT: This study aimed to determine web-based teaching materials in the covid-19 pandemic time as implementation of technological advancements. The method used is literature study or literature review. A literature study is a research design used in collecting data sources related to a topic. It collects data for the study of literature using a database to search for literature sources. Data collection used the Reporting Items for Systematic Review and Meta-Analysis (PRISMA) method. From the results of research and discussion, it can be concluded that the web or website is a site that contains various documents and information that can be accessed by individuals and groups using the internet. Because of its superiority in finding information, the website is widely used as a medium of communication, promoting business, and even learning activities. Through the website, the implementation of learning will be easier and more interesting. Students can access various learning resources through the website, provide complete practice questions, and provide discussion space for students and interesting visualizations.

KEYWORDS: Web-Based, Teaching, Covid-19 Pandemic

INTRODUCTION

The development of an increasingly rapid era is marked by increasingly sophisticated technological advances, where now all interactions and connections can be made virtually. With the advancement of technology, it is certainly very influential on developments in the field of education. Education in Indonesia is currently very literate with the presence of technology used, especially in the era of the covid-19 pandemic, such as the use of Google Classroom, Google Meet, LMS, WhatsApp, and Zoom applications that make it easier to carry out learning activities. These applications can be combined in learning activities, especially during a pandemic, such as the delivery of material that can be delivered by the teacher via Zoom, while for assigning assignments and collecting assignments, you can use Google Classroom. The combination of these various applications greatly facilitates the teacher in achieving the maximum learning objectives even though face-to-face. Currently, online learning and using these applications have become commonplace used by teachers and students in carrying out learning, especially asynchronously. However, the use of these applications must be balanced with the cleverness of the teacher in presenting interesting material and being able to present fun learning even online.

In addition to being able to present interesting learning, of course, as a teacher, the teacher has an obligation to develop learning that is useful in overcoming the difficulties of students and making learning effective and innovative. Therefore, it is necessary to improve in the field of education to balance the demands of an increasingly advanced era. One of them is developing teaching materials. The development of these teaching materials can later be used to overcome the difficulties experienced by students so that the resulting output can be achieved better. Therefore, it is necessary to develop teaching materials that can be used as a solution to overcome students' difficulties in learning. Furthermore, in this era of information technology, it is necessary to develop teaching materials by maximizing the use of existing technology. This is done to produce a creative, innovative, and competitive generation. One of them is web-based learning. The teaching materials that will be developed later are in the form of a web. Web-based learning later by utilizing blogs consisting of material, questions, student assignments, grades, and much more.

Another research related to the development of teaching materials, conducted by (Himang, 2019), revealed that the development of experience-based teaching materials was valid, effective, and practical to use as teaching materials for writing short stories. In addition to research on the development of short story writing teaching materials, there are several studies on the development of web-based teaching materials. For example, the research conducted by (Budiana & Mumpuni, 2019) revealed that the development of web-based teaching materials is appropriate for use in the learning process because there are differences before and after students use web-based teaching materials with procedural text materials. So the development of teaching

materials effectively improves students' speaking skills. Another related research conducted by (Junita & Sukardi, 2020) states that web-based learning modules are very practical for students to use. Students can use it both at school and outside of school.

Based on the difficulties experienced by students due to the absence of interesting teaching materials that can facilitate students in learning and can be used anywhere easily by students. One of the interesting and easy-to-use teaching materials for students is web-based teaching materials. The use of websites as teaching materials can maximize learning to write short stories, such as providing various content in text, audio, and even video. The use of technology today can be an alternative in developing teaching material. In the era of sophisticated technology and information today, learning that can implement technological advances is needed, one of which is web-based learning. The use of web-based teaching materials effectively improves students' abilities and learning outcomes (Budiana & Mumpuni, 2019; Dermawan & Fahmi, 2020).

METHODS
The method used is literature study or literature review. A literature study is a research design used in collecting data sources related to a topic. The literature study aims to describe the main content based on the information obtained (Herliandry et al., 2020). Data collection is carried out using a database to search for literature sources. This data collection uses the Preferred Reporting Items for Systematic Reviews and Meta-Analysis (PRISMA) method. The research was carried out by analyzing journals and then making a summary related to the study objectives. The journal search procedure has the PICOT procedure criteria. The PICOT method has been extended to the questions used to review journals. Researchers conducted a review of journals in the last ten years. The strategies used in the literature search were collected from national and international journal providers' databases. The national and international journal providers database can be accessed through several websites. The access used to search for the articles reviewed is Google Scholar, Eric, and Scopus with the search terms grassroots, advantages, and disadvantages.

RESULTS AND DISCUSSION
1. Definition of Teaching Materials
Teaching materials are tools needed in the learning process that contain materials, methods, limitations, and ways of evaluating. Supporting this statement, (Rahmawati, Fauziah, and Leni 2020) state that teaching materials are all forms of materials used to assist teachers and students in supporting the learning process to conform to the goals that have been set. Teaching materials consist of information, tools, and texts that are arranged systematically. The material displays the overall competencies that students will master. Teaching materials are used as a tool in the learning process to plan and study the implementation of learning.

Teaching materials are learning programs that play a very important role in the learning process. Teaching materials are prepared to provide learning materials that are by the demands of the applicable curriculum by taking into account the needs of students, which include the characteristics and environment of students. In addition, teaching materials can help students find alternative materials other than textbooks that are sometimes difficult to understand (Hardiansyah et al., 2019; Iwan et al., 2020).

(Khulsum, Hudiyono, & Selistyowati, 2018) Revealed that teaching materials are a set of materials made by teachers that function to support learning activities, it is intended that learning activities follow the expected competencies. Supporting this statement (Himang, Mulawarman, & Ilyas 2019) revealed that teaching materials are a set of learning tools consisting of various components such as learning materials, methods, and limitations to evaluate a lesson. In general, a teaching material must be arranged systematically and attractively for students so that the learning process can be carried out properly.

From some of the opinions above, it can be synthesized that teaching materials are tools used so that the learning process can be carried out on target. Therefore, teaching materials have various components such as learning materials, methods, and ways of evaluating. These components must be arranged systematically and attractively to present fun learning for students.

2. Characteristics of Teaching Materials
(Rahmawati et al., 2020) reveals that the characteristics of teaching materials are a) reflecting a modern point of view on the subject and its presentation, b) providing a regular and gradual source, c) presenting the appropriate subject matter, d) presenting various kinds of models, methods, and teaching facilities, e) presenting assignments and exercises, f) providing evaluation and remedial materials.

3. Types of Teaching Materials
Furthermore, (Himang, 2019) revealed various types of teaching materials in the form of books, modules, and computer-based teaching materials. In addition, non-printed teaching materials include audio, audiovisual, and interactive multimedia teaching materials.

Based on the explanation above regarding the types of teaching materials, it can be concluded that teaching materials have various types, ranging from conventional teaching materials, namely the most widely used printed materials today such as modules and books, to modern teaching materials that utilize types of media such as audio. Text, images, videos and so on.

Web-Based Teaching Materials in the Covid-19 Pandemic: Implementation of Technological Advancements

The development of web-based teaching materials can be an alternative that can be used to improve students' skills to write short stories, especially during the COVID-19 pandemic. In this very advanced era, students are already accustomed to surfing the internet in search of information, so the use of the web can be very helpful for students in carrying out learning because the material can be directly accessed using a device. In addition, research on web-based language learning has not been widely carried out. Compared to previous research, the novelty in this study is that the website used has several syntaxes for writing short stories, including the stages of determining the theme, collecting materials, making drafts, developing drafts, making titles, revisions, and publications. These stages can make it easier for students to develop ideas, design a clear flow, and provide opportunities for students to publish their work in the Wattpad application. In addition, the website will have various short stories references that are connected via a link to Wattpad.

The web or website is a page or collection of sites and documents spread throughout the world through server computer devices connected via the internet network (Batubara, 2018). In line with that, (Zahir, 2019) revealed that the website is a component consisting of text, images, sound, and animation to be an interesting medium of information if visited by other people. A similar opinion was expressed by Divayana (Utami et al., 2020) that a website is defined as a collection of pages that display various kinds of information, be it text, still and motion pictures, animation, sound, or a combination of all of them connected via the internet.

The web is a service that users can use if connected via the internet. Learning using the website can be a repository of information and interactive media (Anggoro & Yunianta, 2018). Then according to (Batubara, 2018), website-based learning is one example of electronic learning (e-learning) with the implementation of learning activities assisted by internet technology. A similar opinion was expressed by (Zahir, 2019) web-based learning is a learning process carried out by education and students using the internet as a learning tool.

Web-based teaching materials can be interpreted as teaching materials that use electronic devices such as the web. Web-based teaching materials are the presentation of teaching materials using existing technology on devices/laptops using the internet network. It is used for independent learning resources with easy operations and practical use (Junita & Sukardi, 2020).

CONCLUSION

From the results of research and discussion, it can be concluded that the web or website is a site that contains various documents and information that can be accessed by individuals and groups using the internet. Because of its superiority in finding information, the website is widely used as a medium of communication, promoting business, and even learning activities. Through the website, the implementation of learning will be easier and more interesting. Students can access various learning resources through the website, provide complete practice questions, and provide discussion space for students and interesting visualizations.

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Difficulties and Some Solutions Suggest Learning English for Students of English Language Department, Sai Gon University

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ABSTRACT: English is a second language to become inseparable and compulsory in every college and university today. To learn a second language, a physical, intellectual and emotional involvement is needed to successfully send and interpret linguistic messages. However, compelling student not majoring in English to lean English as a subject while their jobs-to-be does not need English at all is a prominent reality. The students are forced to study in a stressful condition, therefore they always feel nervous and bored and the results reflects everything. This reality won't exclude the studying environment in the Preschool Education Faculty in Sai Gon University.

In this study, our objective is to investigate the handicap in English studying performance of students in the Preschool Education Faculty in Sai Gon University by pointing out the difficulties presented in the research as well as drawing solutions to fix these problems. We also propose some utilitarian references for related researchers especially aiming at students with low level. We select participating students randomly from among the students of the faculty of Preschool Education in the Saigon University to complete the questionnaire consisting of 10 questions. The students selected are seniors in order to narrow down the field studied. Results indicated that students find difficulties in learning English because of their low level and since English is a compusory subject, they are forced to study, consequently their performance is bad. Also, the results revealed that their teaching career in the future won't need English, as a result, they are not interested and do not have motivation to study English. These results implicate that academic teachers should build an interesting classtime accompanying with good teaching method. Teachers' attitude should be friendly so that students are able to immerse and absorb in an interesting class and they will advance in just a blink.

KEYWORDS: Deficits in English learning of students from the Faculty of Early Childhood Education.

1. INTRODUCTION

Perhaps there is no need to mention too much about the influence and value of the English language in society. Learning English is like holding a trump card that you believe you will beat every opponent. And that is also the key to opening the door to your dream future. As you probably know, most of the graduate students are unemployed or working against the profession. So in your opinion, the cause is where? Not because of poor professional knowledge and little experience, but because of inability to English

With the trend of globalization today, English has shown its importance on the way to the world, especially for pedagogical students. English helps students have the opportunity to expose to international knowledge, reading foreign language books. There are over 1 billion websites in English. Just learning a foreign language is able to exploit most of that knowledge base. The most popular software in the world. The most popular social networks. The most abundant portal. All are written in English! The same goes for television and newspapers, international channels like CNN and BBC. In addition, it also opens up opportunities to study and exchange abroad. You can look for study abroad scholarships as well as student exchange programs. Another important factor, English helps you get high job opportunities. Facing each individual are candidates who are good at English, employers will feel extremely excited and will have ideas to bring out your best in relevant international activities and events. (Abbas, 2016)

However, learning English is facing many difficulties. Most people are very weak in vocabulary. The problem that people have in learning English vocabulary is that they learn new words, but they tend to forget what they have learned quite soon after

they have just learned them. One more complaints when learning a new language is inability to communicate successfully. Whether it's a problem with low stress, or not knowing the vocabulary or grammar to create a good conversation, many people struggle with poor speaking skills. Not being able to have interaction with native English speakers can be a great hindrance on one who is learning English. Most people lose grammar basics so their writing skills are quite poor. They misspell, misspell or even use inappropriate words. (Abubakar, 2015)

Especially, students of the Faculty of Kindergarten at Saigon University are also facing many difficulties in learning English. Most of the students from other provinces do not have conditions to contact English. Students lose English basics right from high school, so it is difficult to correct pronunciation and grammar. The majority of students have narrow economic circumstances, so they cannot afford to invest in learning English.

Realizing the importance of English and the real situation of English learning among students of the Saigon University's preschool education department, our group decided to choose "Difficulties and some suggested solutions in learning english of the students at preschool education faculty in Sai Gon University" as a subject research topic.

In recent years, there has been a dramatic proliferation of research concerned with students facing difficulties in learning English. English Skills for University by Terry Phillips and Anna Phillips (1988) aimed to ensure that students gained confidence in using a limited set of lexical items as they work through the unit, rather than constantly having to cope with new words. Remnaldi, A., Stefani, R. P., & Gulo, I. (2016) investigated the Phonological difficulties faced by students in learning english. Besides, from Brown's book (2000), the author introduced a number of basic principles of English learning, for students and suggest a more nuanced and flexible model of the linguistics student. One more work from Rod and Shanon (2005) discussed addresses the areas of overlap between the struggles of ESL students and students with learning disabilities, where teachers might identify these over-laps, and how these observations can be recorded. Abbas, P. G., & Narjes, B. S. (2016) studied on learners' listening comprehension difficulties in English Language Learning. Banks (2008).
Examined FL difficulties as well as effective strategies that others had used to conquer these challenges. Research indicated that LD students and at-risk students both had FL learning difficulties, due to deficiencies in their native languages. Feyfant, A., Gaussel. M. (2007) focused on reading methods and learning difficulties. Besides, Evans, Morrison (2012) identified and proposed a way to understand the language-related challenges confronting both categories of student when studying academic subjects in English. One more work, the study of Liao, P., & Chiang, M. (2015) obtained an overview of college students' learning strategies in developing English speaking skill. Research conducted by Singh, S. (2016) examined the developing speaking skill in english through activity based learning. Article by Banu (2017) analyzed the causes that make the students difficult to communicate in English and suggested some solutions that can overcome the difficulties. In this background, descriptive nature of this present paper highlights the difficulties faced by college student in speaking English –a sociological reflection. Afzal (2019) investigated the problems faced by English majors in learning the vocabulary at Prince Stattam bin Abdulaziz University (PSAU). It also put forward some vocabulary-learning strategies to minimize the potential problems.

It can be seen that the research papers have invested a lot in studying the current situation of learning English, finding out the difficulties and solutions to learn English well for students.

The above studies have been very successful when discussing the difficulties that students face. Those difficulties come from learning vocabulary, grammar as well as the occasional use of English. Most of the poor English learners have difficulties practicing English speaking, even misspellings. Coupled with the fact that English is not the native language of many countries, using it is very difficult for them.

Research projects also offer many good English learning methods as well as teaching English for many students not teaching English in the future but having to learn English. English learners need daily practice, listening to English regularly as well as practicing with native speakers. To learn English well, you have to learn many English words and practice writing lots of English. Teachers should also refine their English teaching methods. (Alqahtani, Vol. 4, No. 3, 2019)

However, research papers are limited to a few specific subjects and specific scope. It has not studied the reality of learning English of students in the preschool education department of Saigon university. Besides, it has not given specific solutions to the

difficulties faced by preschool education students. So the problem here is that we need to know what are the difficulties students in the preschool education department of Saigon university? At the same time, what solutions are there to overcome those difficulties?

Learning and improving foreign language skills, especially English is extremely necessary for students because this subject is included in all study programs and is a compulsory condition for students in college and university schools. We would like to sort the purposes of this present study by various categories. Firstly, glimpsing at the reality of learning English of the future teachers who won't teach English to understand what occurs. Since English is a compulsory subject at Preschool Education Faculty in Saigon University, students have to study stressfully and nervously just to pass the final exams.

In addition, another objective is to help students avoid the difficulties presented in this research, and at the same time suggest solutions to them. Furthermore, we aim to provide useful reference materials for any interested researcher, especially lower-level students to hone their knowledge.

This research could be useful to students in realizing the importance of learning English, so that changing their method of learning English to improve their studying as well There is a fact that nowadays, not only students but also teachers also want to change teaching methods and content to bring the best results. In fact, to learn English effectively does not only need a right method, but also a right guide. Besides, our research helps teachers find the most effective method to impart students to have a more positive outlooks on learning English as well as the curriculum content of the preschool department in general and the University Saigon in particular.

Moreover, with this research group's topic, we will help the Minister of Education think about the difficulties that preschool students are facing to better understand the English program in their studies students do not specialize in English.

2. LITERATURE REVIEW

In addition, another tool is to help the foreign language department rebuild its training program to suit students who do not specialize in English, so that ones are more interested and interested in this subject.

More specifically, the research helps parents to have a more overview to guide their children in choosing the right career but also to support them in their learning. At the same time, investing English for children at a young age is an important thing that parents need to pay attention to.

Furthermore, the leaders of Saigon University will have a correct vision of teaching and learning English at school with the most specific and authentic data analysis. The shortcomings still exist and the comparison with the increasing demand for English proficiency of the society.

Results of this study may orient those who are interested in learning English to have documents for further study. Know more about the difficulties that preschool faculty students are facing. Since then, offer more reasonable training programs, consistent with the current situation.

Moreover, it is also valuable for English teaching and learning researchers who are interested in this topic and are more interested in providing practical solutions that will help students enjoy learning English which they do not specialize in English.

2.1 Research Questions

To fulfill the purpose of the study, the survey was seeking to answer the following research questions:

APPENDIX I – QUESTIONNAIRE

1. Why is English necessary for your job?

- ☐ Because it is easy to apply for a job
- ☐ Applying for jobs in international schools where English is available is available
- ☐ To communicate with foreigners
- ☐ Compulsory subject
- ☐ Other: .. ..

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2. How do you feel when studying English?

- ☐ Interested
- ☐ Excited
- ☐ Nervous
- ☐ Bored
- ☐ Other: .. ..

3. Which is your best skills?

- ☐ Listening
- ☐ Speaking
- ☐ Reading
- ☐ Writing
- ☐ None

4. Which is your worst skills?

- ☐ Listening
- ☐ Speaking
- ☐ Reading
- ☐ Writing
- ☐ All

5. Which one makes you feel English is dificult?

- ☐ Your English level is low.
- ☐ The topic of each reading lesson is impractical.
- ☐ The classes are too crowded.
- ☐ The lecturers are so strict.
- ☐ Other: ....

6. Which one is the most difficulty when studying Reading?

- ☐ Vocabulary
- ☐ Structures
- ☐ Meaning
- ☐ Idioms
- ☐ Other: ....

7. Which one is the most difficulty when studying Listening?

- ☐ Reading speed
- ☐ Poor sound
- ☐ Confusing content
- ☐ Long sentences
- ☐ Other: ....

8. Which one is the most difficulty when studying Speaking?

- ☐ Vocabulary
- ☐ Pronounce
- ☐ Practice less

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☐ Hard topic

☐ Other: ....

9. Which one is the most difficulty when studying Writing?

☐ Vocabulary

☐ Structures

☐ Grammar

☐ Idioms

☐ Other: ....

10. Is it because you won't teach English in your future job, you are not interested in studying English and gradually you feel it difficult to study?

☐ Yes, it is

☐ No, it isn't

11. **Which solution do you choose to attract students to be in the English classes regularly?**

☐ Interesting classes

☐ Good teaching method

☐ Friendly lecturers

☐ All

☐ Other: ....

3. METHODS

100 random senior students from Preschool Education Faculty received prepared questionnaires and they were asked to complete the questionnaires.

The students we chose to survey are fourth-year students at Preschool Education Faculty in Saigon University. They were students who had been learning English in the curriculum. However, their work did not use English to teach young children after graduation. So, learning English for students of Preschool Education Faculty is facing many difficulties.

The investigation was performed during students'classtime in Preschool Education Faculty in Sai Gon Unversity.

Our survey data is that 100 fourth-year students were randomly selected from among the students of the faculty of Preschool Education at the University of Saigon mentioned above.

Because surveying a large number of students will take a lot of time and money, we only conduct a survey for 4th year students from Preschool Education Faculty in Saigon University and who have learned English in the curriculum.

In order to ensure accurate and objective research results, after choosing the topic, we conducted a research plan and learned the results of previous research to have necessary information related to the topic. your research. Next, we randomly selected a survey data of 100 students who had passed English subjects in their school curriculum. They were invited to answer questions in the questionnaire about difficulties in learning English and suggest solutions to learn English more effectively.

The questionnaire consisted of 10 questions, content of the first 6 questions focused on collecting data about difficulties students face when learning English at school, we used the last 4 questions to collect data a bout proposing solutions for learning English more efficient. After collecting survey data, we processed and analyzed the collected data. Finally, we wrote a report on the results of our research.

4. RESULTS/FINDINGS AND DISCUSSION

According to the research results of scientists in the world, learning foreign languages, especially English is essential for us. In the

Difficulties and Some Solutions Suggest Learning English for Students of English Language Department, Sai Gon University

strong international integration and exchange, English has become a popular means of communication, it is a "tool" for everyone to understand each other. Therefore, learning English is very important. The results of the survey on awareness of 4th year students, the Faculty of Preschool Education, Saigon University reflects the above point of view. (Figure 1). In the difficult problems of learners, stress in English lessons (Figure 2) is the also reason why students do not have interest in learning. The figure 3 shows what the students' best English skill are. After analysing surveyed results, listening is the worst skill (Figure 4). Figure 5 depicts the reason for feeling English is difficult to learn. Next, figure 6, 7, 8, 9 illustrate the most difficulty when studying listening, reading, speaking, writing respectively. On the other hand, Figure 10 demonstrates the ascertainment of the relation between teaching english in the future and interested in studying English of students surveyed. Following by figure 11, it demonstrates the solutions to attract students to be in the English classes regularly.

APPENDIX II – TABLES AND FIGURES

Table 4.1: The reason why English is necessary

	Number	%
Because it is easy to apply for a job	40	40%
Applying for jobs in international schools where English is available is available	22	22%
To communicate with foreigners	4	4%
Compulsory subject	34	34%
Other	0	0%

Figure 4.1: The English necessary for your job

Table 4.2: Emotion of studying English

	Number	%
Interested	14	14%
Excited	4	4%
Nervous	64	64%
Bored	18	18%
Other	0	0%
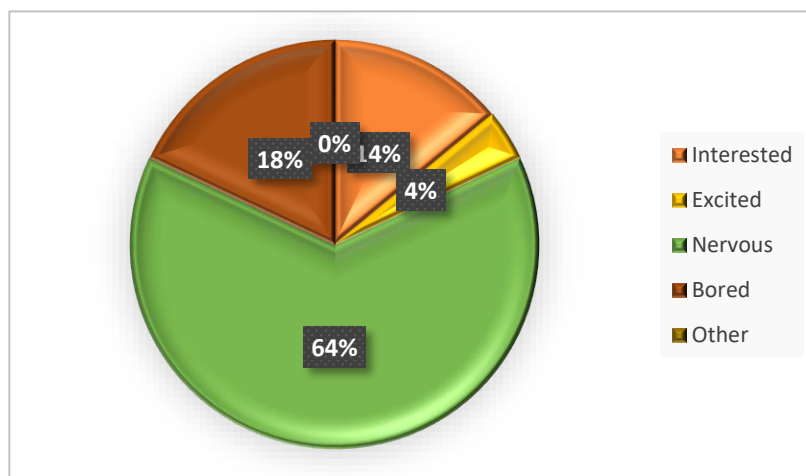
Figure 4.2: Emotion of studying English

Table 4.3: The best English skill

	Number	%
Listening	8	8%
Speaking	18	18%
Reading	62	62%
Writing	12	12%
None	0	0%
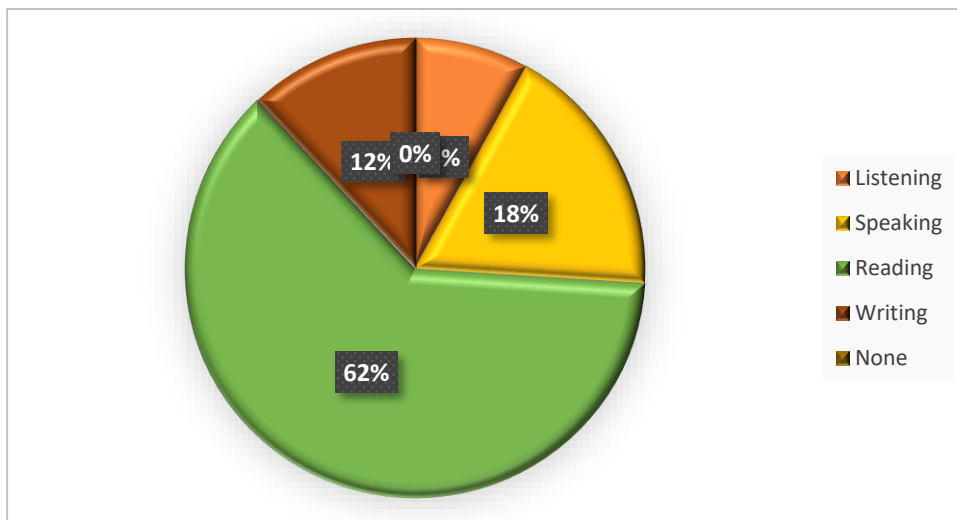
Figure 4.3: The best English skill

Table 4.4: The worst English skill

	Number	**%**
Listening	64	64%
Speaking	24	24%
Reading	2	2%
Writing	10	10%
All	0	0%

Figure 4.4: The worst English skill

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Table 4.5: The reason why English is difficult to learn

	Number	%
Your English level is low	70	70%
The topic of each reading lesson is impractical	12	12%
The classes are too crowded	12	12%
The lecturers are so strict	6	6%
Other	0	0%
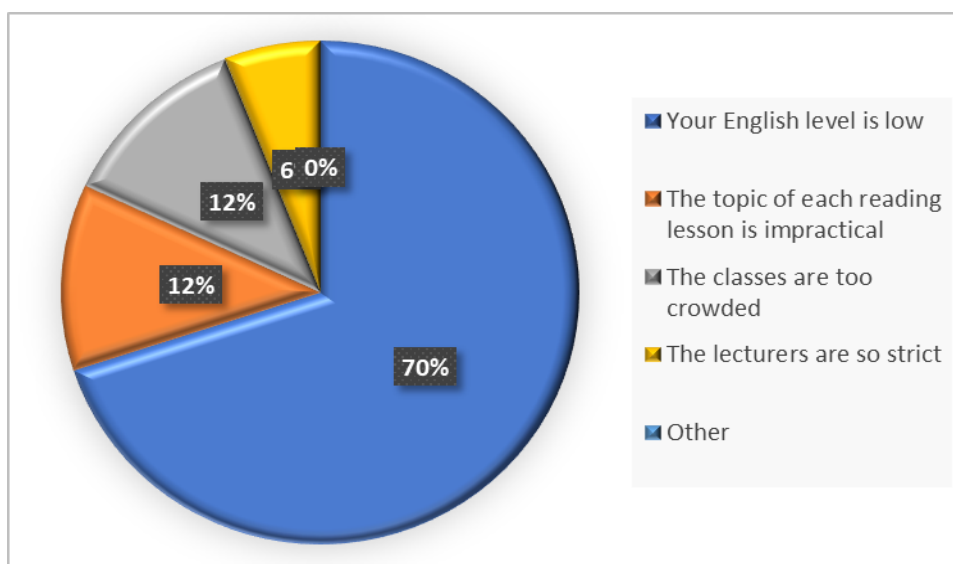
Figure 4.5: The reason why English is difficult to learn

Table 4.6: The most difficulty when studying Reading

	Number	%
Vocabulary	42	42%
Structures	10	10%
Meaning	38	38%
Idioms	10	10%
Other	0	0%

Difficulties and Some Solutions Suggest Learning English for Students of English Language Department, Sai Gon University
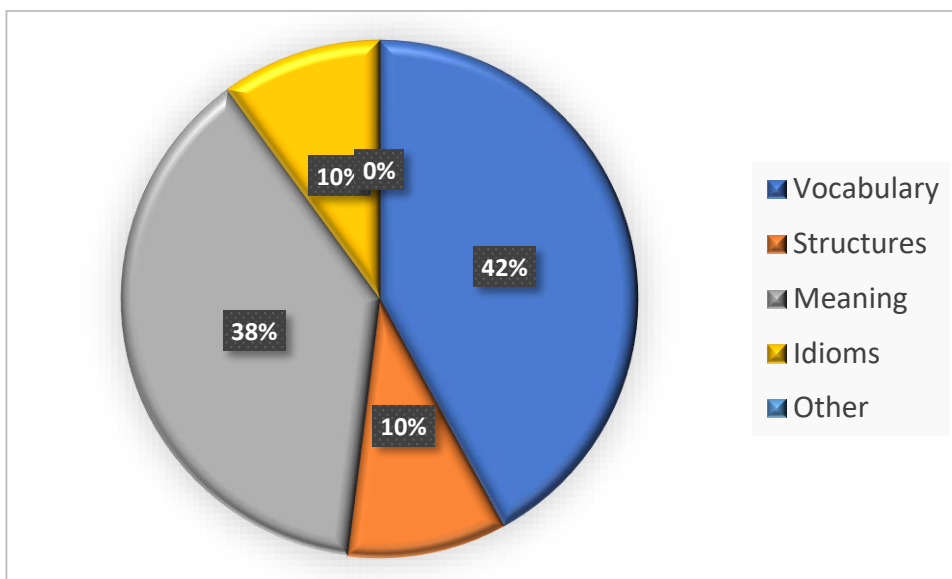
Figure 4.6: The most difficulty when studying Reading

Table 4.7: The most difficulty when studying Listening

	Number	%
Reading speed	70	70%
Poor sound	6	6%
Confusing content	24	24%
Long sentences	0	0%
Other	0	0%
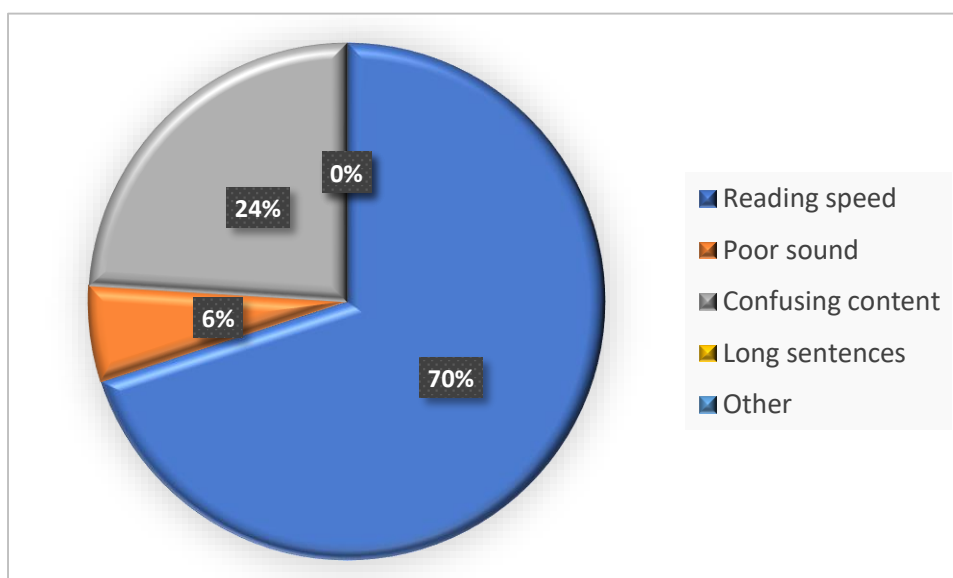
Figure 4.7: The most difficulty when studying Listening

Table 4.8: The most difficulty when studying Speaking

	Number	%
Vocabulary	52	52%
Pronounce	24	24%
Practice less	8	8%
Hard topic	16	16%
Other	0	0
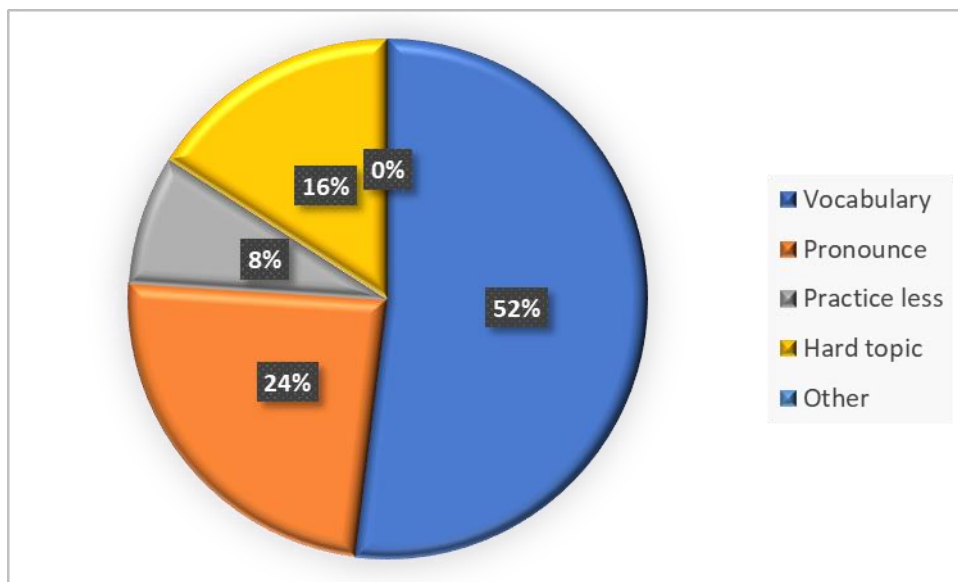
Figure 4.8: The most difficulty when studying Speaking

Table 4.9: The most difficulty when studying Writing

	Number	%
Vocabulary	30	30%
Structures	34	34%
Grammar	32	32%
Idioms	4	4%
Other	0	0%

Difficulties and Some Solutions Suggest Learning English for Students of English Language Department, Sai Gon University
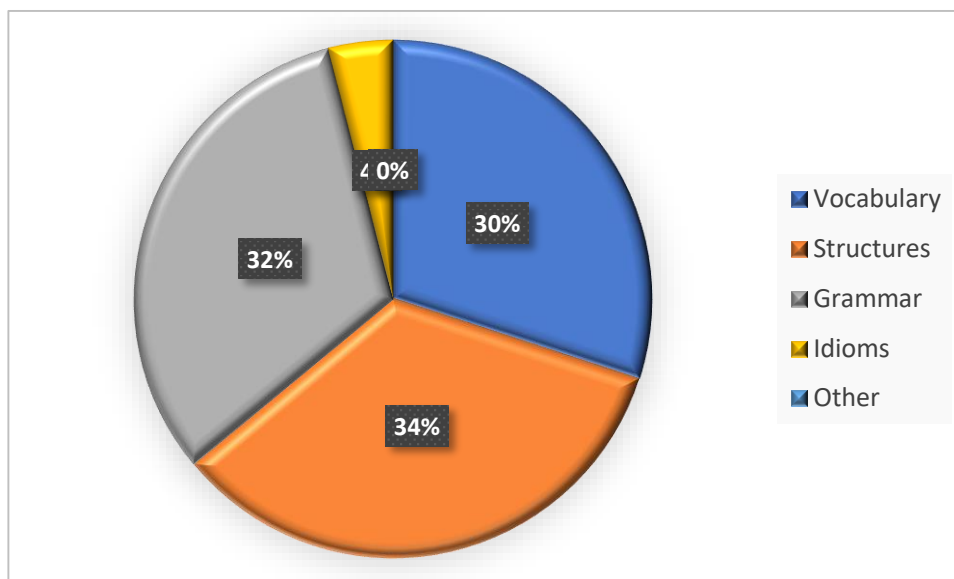
Figure 4.9: The most difficulty when studying Writing

According to the survey results, up to 40% of respondents thought that learning English was very necessary for the job (accounting for the highest percentage). However, this rate did not exceed 50% of respondents' opinions, which showed that students were not fully aware of the importance of learning English. On the other hand, up to 34% of students believed that learning English is compulsory because it was the output standard of the field of study. On the other hand, due to the need to learn English of Early Childhood Education students, up to 60% of students thought that because they did not teach English in the future, they did not care to learn and have difficulties in learning English.

In the difficult problems of learners, up to 64% of students thought that stress in English lessons was the reason why students did not have interest in learning. Even nearly 50% of students could not pass English in the first exam. We also found that most surveyed students (62%) chose reading as the best English skill. In contrast, among the skills of learning English, students' listening skills were the worst (64%) For more details for the research, we also investigated what factors within the English skills that make it difficult. For instance, it appears that 42% surveyed students thought that vocabulary made reading skill so hard. Followed by listening skill, 70% students complained that the reading speed of the tape is too fast. Similiar to reading skills, vocabulary was still the hardest factor for speaking skill (52%). The last skill was writing whose the most difficult that student face is structure (34%). In addition, surveyed students said that they found difficulties in studying English because their level was low (70%). When asked about whether or not the results of not being interested in studying English and gradually feeling difficult to study coming from not teaching English in the future job, 60% said yes and 40% said no.

Table 4.10: Opinion of students about whether or not the result of not being interested in studying English and gradually not feeling difficult to study coming from not not teaching English in the future job

	Number	%
Yes, it is	60	60%
No, it isn't	40	40%

Difficulties and Some Solutions Suggest Learning English for Students of English Language Department, Sai Gon University
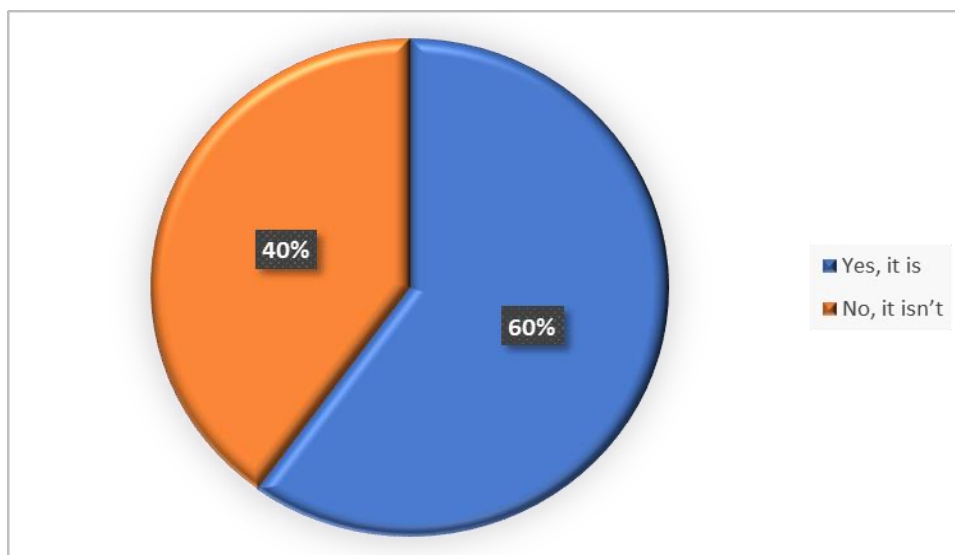
Figure 4.10: Opinion of students about whether or not the result of not being interested in studying English and gradually not feeling difficult to study coming from not not teaching English in the future job

Table 4.11: Solution to attract students to be in the English classes regularly

	Number	%
Interesting classes	10	10%
Good teaching method	12	12%
Friendly lecturers	0	0%
All	78	78%
Other	0	0%
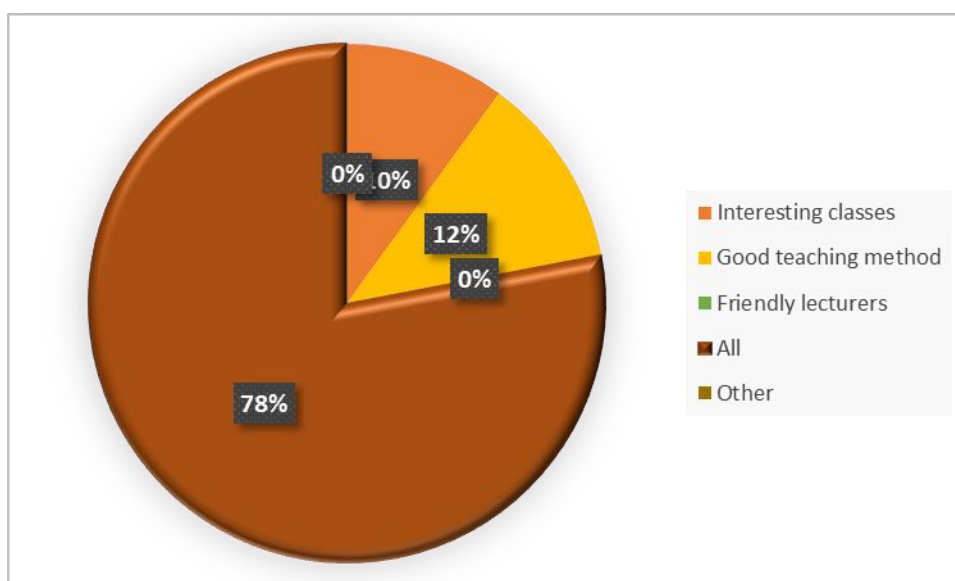
Figure 4.11: Solution to attract students to be in the English classes regularly
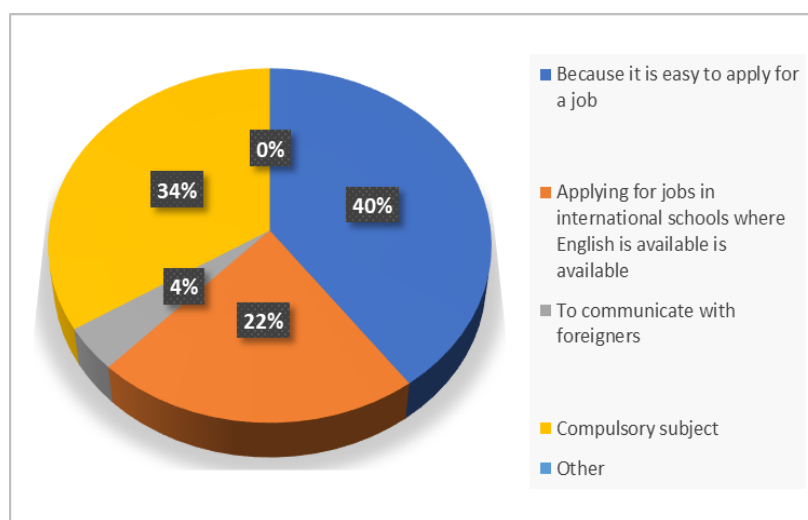
Difficulties and Some Solutions Suggest Learning English for Students of English Language Department, Sai Gon University

4.1 Comment on the result

Generalize the results: Results of the present study may represent the reality of learning English of the future teachers who won't teach English.

Possible explanation: The students' English education at Saigon University is facing many difficulties such as: students have not identified the correct motivation for learning; the learners' English level has not yet met the subject requirements; the practice of listening - speaking - reading - writing skills of students is still limited; learning English has not come from the practical needs of students' jobs in the future ... This situation exists in almost all students of pedagogy (in addition to English pedagogy). Obviously, the little or no use of English in the daily work in the future is the reason why students are not interested in learning English. Students learn English mainly to deal with the school's regulations, to meet university graduation requirements only. Thus, the incorrect

Determination of students' English learning purposes is the cause of forming a poor learning awareness for students. Students learn English just to deal with learning outcomes, not out of the needs and benefits brought by English. Therefore, learning English will meet a lot of difficulties. Besides, in learning English, speaking skills are not standard, vocabulary and listening skills are the most common difficulties of learners. Our research and survey results have also reflected correctly this situation. Stress makes it difficult for students to acquire knowledge, cannot remember the lesson content… makes their learning results very low. Even nearly 50% of students cannot pass English in the first exam. The cause of weakening in listening skill are: poor sound, fast speech speed, difficult listening content. The structure of English includes vowels, consonants, stresses and intonation that most students often forget to stress English and speak without intonation. This causes a lot of interference in communication. Since then, when listening to the native speaker pronunciation, students cannot recognize it because normally they remember that word in a completely different way. Obviously, students are not interested in learning English, along with the fact that teachers speak quickly or the videos speak English of native speakers too fast, with regional accents ... making it difficult for students to listen. Even 64% of births cannot hear or understand what the speaker said.

These results are consistent with those reported for at-risk students face in learning a foreign language in Banks' findings.

4.2. Discussion

The theory led us to infer that difficulties in studying English is a problem in the Preschool Education Faculty in Sai Gon University. The findings, luckily, support the theory. Students' level were prettily low to make siginificant progressions in the English subject but that is just one cause. Another findings discovered are impractical topic of each reading lesson, which made English more difficult to comprehend. Besides, crowded classroom was a secondary making English difficult to many students because they were distracted by many things like: chatting, using smart phones, sleeping… One trivial cause we found was lecturers' rigidity, we believe the attitude of the lecturer influenced on students' performance. If he or her was so strict, the students will got burderned and gradually became stressed and nervous. The possible explannation for these findings may be students focus too much on other subject since English is not the only compulsory in their academic curriculums. Another reason could be that students in Preschool Education Faculty obviously will not teach English for their jobs-to-be, so clearly they discern that studying English just to pass the final exams or meet the requirements to graduate. Understanding that studying the difficulties of learning English of students in Sai Gon University is a very broad field, Preschool Education Faculty is what we chose. This faculty is not only a representative location for the studying-English problems but only a smaller location, so that our research becomes easier to be conducted.

5. CONCLUSION

The approach outlined in this study could be replicated in other Preschool Education Faculty in other universities not only in Ho Chi Minh City but also in other cities in Vietnam to access documents for further research. Other researchers may find a gap to conduct their own researches in the future. We believe more and more researcher delving in this area will help many readers like: lecturers, minister of education, parents… perceive truly about the relation between students' English learning and their occupations. Therefore, more solutions like reforming textbooks, changing teaching ways, adding recreative activities during classtimes shall be planned. Students will absorb and English will never be hard again.
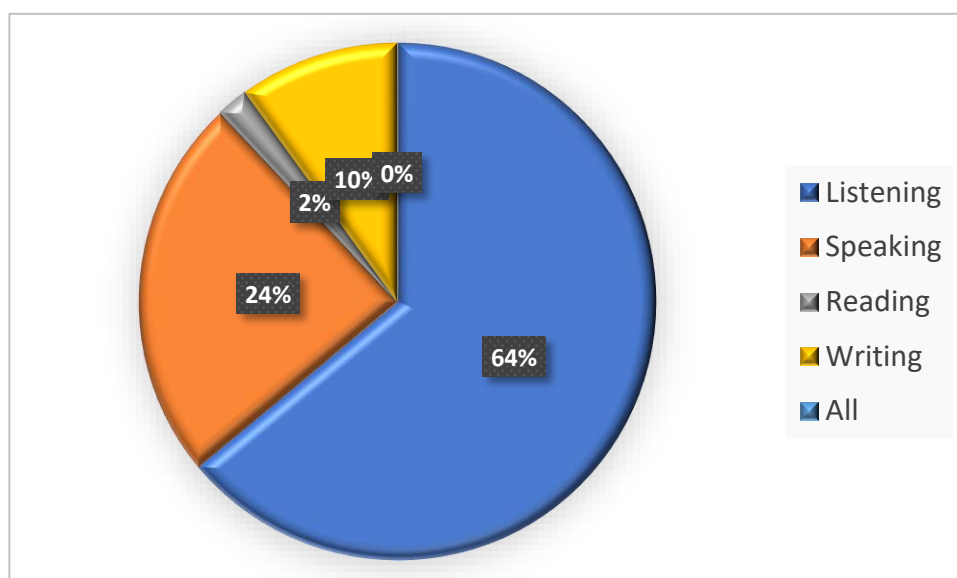
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Implementation of Child Identity Card Policy in Banjarbaru City

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ABSTRACT: This study aims to analyze the implementation of the child identity card policy in Banjarbaru City which is implemented by the Department of Population and Civil Registration of Banjarbaru City based on the Regulation of the Minister of Home Affairs Number 2 of 2016 on Child Identity Card.

The research method used by researcher is a qualitative method with descriptive qualitative research type and data sources come from primary and secondary data. The data collection techniques conducted by researcher are through observation, interviews, and documentation or collection of supporting documents. The data analysis techniques that researcher performed are data reduction, data presentation, and deduction from the data sources obtained. Meanwhile, to test the data validity, the researcher conducts triangulation namely comparing the data from interview results and collection of supporting documents.

The result shows that the Implementation of Child Identity Card Policy in Banjarbaru City is implemented by socializing Child Identity Card, having cooperation with working partners and implementing issuance service of Child Identity Card. Nevertheless, in its implementation, it is still not said to be achieved properly in terms of the achievement of the issuance of Child Identity Card in Banjarbaru City which is still low. It is also seen from the utilization of the Child Identity Card itself; its usefulness has not been optimized because in the implementation of the Child Identity Card policy, which is implemented by the Department of Population and Civil Registration is lack of budget so that the implementation of the Child Identity Card program is not optimally implemented.

It is suggested for the Banjarbaru Government especially for the Department of Population and Civil Registration in Banjarbaru City can increase the priority of budget allocation for the Child Identity Card program, increasing advanced socialization of the CIC program in Banjarbaru City and taking the advantages of the output to be useful for children.

KEYWORDS: Policy Implementation, Child Identity Card.

I. INTRODUCTION

Indonesia is one of the countries that is large in the growth of the population every year, so along with the increasing number of child births and following the latest technological developments. The form of government policy to serve, protect and prosper the community is to run a population administration that is comprehensive, structured and applicable nationally based on Law No. 24 of 2013 on Population Administration and refers to the new policy on Population Administration issued by the government through the Ministry of Home Affairs is The Minister of Home Affairs Regulation No. 2 of 2016 on Identity Cards. The child (KIA) is expected to be an identity card for the child. Regulation of the Minister of Home Affairs No. 2 of 2016, requires all children under the age of 17 to have a Child IDENTITY Card (KIA).

In the Implementation of this Child Identity Card (KIA) Program even though it has been introduced since 2016, but until now there are still many areas in South Kalimantan that are late in implementing Child IDENTITY Cards, one of which is in Banjarbaru City. Based on observations by looking at the results of recapitulation data on the daily report of population registration services in districts / cities of South Kalimantan Province sourced from the Report of the Office of Population and Civil Registration of South Kalimantan Province, obtained data recapitulation of the number of printing children's identity cards in South Kalimantan as of January 2020 amounted to 279,682 kia stamps printed. And for the realization of the city of Banjarbaru printed 9,274 blangko KIA, which is estimated to be only 10% of the number of children under 17 years old recorded through the number of ownerships of birth certificate residents in Banjarbaru city.

As for the problems for the Population and Civil Registration Office of Banjarbaru City, including:

1. Lack of socialization from the Population and Civil Registration Office of Banjarbaru City gradually and continuously about the implementation of KIA policies to stakeholders, implementers and the community.

2. Regional budgets sourced from APBD (Regional Revenue and Spending Budget) and limited DAK (Special Allocation Funds) result in no maximum program when socializing constrained by operational costs in the field
3. Lack of innovation and initiative of officers in carrying out duties, especially responsibility in carrying out direct service duties to the community
4. The Child Identity Card (KIA) policy program was late to be implemented in Banjarbaru City which should have been done since 2016 but only implemented in April 2019.
5. The issuance of a birth certificate that is the basic requirement for printing a Child IDENTITY Card (KIA) is not achieved which has an impact on KIA policy cannot be done.
6. Existing budget constraints for KIA printing allocations.

On this occasion, researchers will discuss in depth how the process of implementing the Child Identity Card (KIA) policy in Banjarbaru City and what are the inhibiting factors in the implementation of the Child Identity Card policy in Banjarbaru City.

II. LITERATURE REVIEW

A. Government policy

In English it is referred to as "public policy". There are some experts who define policy in their own view, among others according to Thomas R. Dye (Wahab, 2015: 15) stated "whatever governments choose to do do dor or not to do". (The choice of any action taken or not to be taken by the government). According to Dye, if the government chooses to do something, then there is a purpose, because public policy is an "action" of the government. If the government chooses not to do something, it is also a public policy that certainly has a purpose. Eystone (Wahab, 2015:13) who formulated in a short way that public policy is "the relationship of governmental unit to its environment". (Between unit relationships that take place between units / units of government and their environment). Wilson (Wahab,2015:13) "The actions, objectives and pronouncements of governments on particular matters, the step the take (or fail to take) to implement them, and the explanations they give for what happens (or does not happen)". Anderson in Dwiyanto (2009: 17) defines policy as the behavior of a number of actors (officials, groups, government agencies) or a series of actions that have a specific goal that is followed and carried out by a person or group of perpetrators to solve a particular problem.

In another concept an expert named William N. Dunn in Parson (2006) said the process of public policy analysis is a series of intellectual activities carried out in the process of activities that are political in nature. Political activity is seen in a series of activities that include agenda preparation, policy formulation, policy adoption, policy implementation, and policy assessment. Korten (in The 2003:7) says that a policy is successfully determined by the relationship of three aspects, namely: 1) the type of policy, 2) the policy recipient and 3) the policy implementing organization. Policy implementing organizations must be able to formulate what is an expression of the needs of prospective policy recipients or target groups in a policy.

B. Policy Process

The stages of public policy according to William Dunn as quoted by Winarno (2007: 32-34) are as follows:

1. Agenda preparation stage

The elected and appointed officials put the issue on the public agenda. Previously this issue competed first to be included in the policy agenda. In the end, some issues got onto the policy agenda of the policy framers. At this stage it may be that a problem is not touched at all, while another problem is set to be the focus of discussion, or there is also a problem for some reason delayed for a long time.

2. Policy formulation stage

Issues that have made their thing onto the policy agenda are then discussed by policymakers. These problems are defined to then find the best solution. The problem solving comes from various alternatives or policy options (policy alternatives / policy options) that exist.

3. Policy adoption stage

Of the many policy alternatives offered by policy framers, ultimately one of those policy alternatives was adopted with the support of a legislative majority, a consensus between the directors of the institution or a judicial ruling.

4. Policy implementation stage

Van Meter and Van Horn (Wahab, 2015:135) present policy implementation as actions taken either by individuals / officials or government or private groups directed at achieving the goals outlined in policy decisions. Policy standards and objectives are based on interests.

5. Policy evaluation

In this stage the policies that have been implemented will be assessed or evaluated, to see the extent of the policies made to achieve the desired impact, namely solving the problems faced by the community.

Implementation of Child Identity Card Policy in Banjarbaru City

C. Policy Implementation

Implementation according to Pressman and Wildavsky in erwan and dyah (2015: 20), is interpreted by several keywords as follows: to carry out policies (to carry out) to fulfill the promises as stated in the policy document (to fulfill), to produce output as stated in the policy objectives (to produce), to complete the mission that must be realized in the policy objectives (to complete). Ripley and Franklin (Winarno, 2014:148) have the opinion that implementation is what happens after a law is established that gives program authority, policy, benefits, or a real type of output. Grindle (Winarno, 2014: 149) also gave his views on implementation by saying that in general, the task of implementation is to form a linkage that facilitates goals can be realized as a result of a government activity. Van Meter and Van Horn in Winarno (2007:102) define public policy implementation as actions taken by public organizations directed toward achieving the goals set out in previous decisions.

The process of implementing public policy is essentially an activity to distribute policy output carried out by implementers to policy goals in an effort to realize policy objectives. Policy objectives are expected to emerge when policy output can be well received by the target group and utilized properly. Implementation of the policy itself can only begin when public policy objectives have been established, programs have been created, and funds have been allocated for the achievement of the policy objectives.

D. Public Policy Implementation Models

Rational System Implementation (Top-Down)

According to Parsons (2006), it was this implementation model that first appeared. The top down approach has a view on the relationship of implementation policy as covered in Rousseau's Emile: "Everything is good if it is left in the hands of the Creator. Everything is bad in the hands of men." According to Parsons (2006), this rational model contains the idea that implementation is to get people to do what they are told and control the sequence of stages in a system. Mazmanian and Sabatier (1983) in Idris Patarai (2020), argue that top down implementation is the process of implementing fundamental policy decisions. Some of the experts who develop policy implementation models with a top down perspective are as follows:

a.   Van Meter dan Van Horn
b.   George Edward III
c.   Mazmanian dan Sabatier
d.   Model Grindle.

Implementation of Bottom-Up Policy

The implementation model with a bottom-up approach emerges as a criticism of the rational (top down) approach model. Parsons (2006), suggests that what really matters in implementation is the relationship between policymakers and policy implementers. The bottom-up model is a model that views the process as a negotiation and the formation of consensus. Still according to Parsons (2006), the bottom-up approach model emphasizes the fact that implementation on the ground provides flexibility in the implementation of policies.

E. Teori Implementasi Kebijakan

There are quite a number of policy implementation theories including:

Donald Van Metter and Carl Van Horn (1975)

 According to Van Metter and Van Horn in Subarsono (2011: 99), there are five variables in influencing implementation performance, namely:

   1) standards and objectives
   2) Resources
   3) Communication between organizations and strengthening of activities
   4) Characteristics of the executing agent
   5) Social conditions, political economy

Theory of George C. Edward III Theory

According to Edward III in Subarsono (2011:90), policy implementation is influenced by four variables, namely:

   1) Communication
   2) Resources
   3) Disposition
   4) Bureaucratic Structure

Theory of Merilee S. Grindle

Successful Implementation according to Grindle in Subarsono (2011: 93) is influenced by two major variables, namely: Policy content and implementation environment. Policy content variables include:

   1) The extent to which the interests of the target group are contained in the content of the policy

2) Types of benefits received by the target group
3) The extent of the desired change of a policy
4) Is the location of a program, right?
5) Has a policy mentioned the implementation of the tator in detail?
6) Is a program supported by adequate resources?

While policy environment variables include:
1) Most of the power, interests and strategies possessed by the actors involved in the implementation of the policy
2) Characteristics of institutions and regimes in power
3) Level of compliance and responsiveness of the target group

Theory of Ripley dan Franklin
According to Ripley and Franklin in Haedar Akib (2010), that to support the successful implementation of policies need to be based on three aspects, namely:
1) The level of bureaucratic compliance with the bureaucracy above it or the level of bureaucracy
2) There is a smooth routine and no problems
3) Implementation and the desired impact (benefits) of all targeted programs

But in this case researchers will focus on the theory according to George C Edward III.

F. Policy Implementation under the model of George C Edward III
Communication
According to Agustino (2006:157); "Communication is one of the important variables that influence the implementation of public policy, communication determines the success of achieving the objectives of public policy implementation" Edward III in Agustino (2006: 157-158), proposed three variables used in measuring communication success:
1) Transmission. Good communication will be able to produce a good implementation as well. Often there is a problem in the distribution of communication, namely the existence of misunderstanding (miscommunication) caused by the many levels of bureaucracy that must be passed in the communication process, so that what is expected is distorted in the middle of the road.
2) Clarity. The communication received by policy implementers (street-level-bureaucrats) should be clear and unconsequiled or unambiguous.
3) Consistency. The orders given in the implementation of a communication must be consistent and clear to be established or executed. If the orders given often change, it can cause confusion for implementers in the field.

Resources
Edwards III in Widodo (2013) categorizes organizational resources consisting of: "Staff, information, authority, facilities; building, equipment, land and supplies". Edward III argued that such resources could be measured from aspects of their adequacy in which implied conformity and clarity; "Insufficient resources will mean that laws will not be enforced, services will not be provided and reasonable regulation will not be developed ".
According to Edward III in Agustino (2006: 158-159), resources are important in the implementation of good policies. The indicators used to see the extent to which resources affect policy implementation consist of:
1) Staff. The main resources in policy implementation are staff or employees (street-level bureaucrats). Failures that often occur in the implementation of policies, one of which is caused by staff / employees who are not adequate, sufficient, or incompetent in their fields. Increasing the number of staff and implementors alone is not enough to solve the problem of policy implementation, but adequacy of staff with the necessary expertise and capabilities (competent and capable) in implementing policies.
2) Information. In policy implementation, information has two forms: first, information related to how to implement the policy. Second, information about compliance data from implementers to established government regulations and regulations.
3) Authority. In general, the authority must be formal in order for the order to be implemented effectively. Authority is the authority or legitimacy for implementers in carrying out politically established policies. When authority does not exist, the power of implementors in the public eye is not legitimized, so as to thwart the implementation of public policy. But in other contexts, when formal authority is available, there is often an error in the effectiveness of authority. On the one hand, the effectiveness of authority is required in the implementation of policies; But on the other hand, effectiveness will shrink when authority is perverted by the executor for his own or his group's benefit.
4) Facilities. Physical facilities are an important factor in policy implementation. Implementors may have sufficient staff, capable and competent, but without supporting facilities (facilities and infrastructure) then the implementation of the policy will not be successful.

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Disposition (Attitude of the executor)

According to Edward III in Winarrno (2005:142-143) it is "that tendencies or dispositions are one of the factors that have important consequences for effective policy implementation". Factors of concern to Edward III in Augustine (2006:159) regarding dispositions in policy implementation consist of:

1) The appointment of bureaucracy will pose real obstacles to policy implementation if existing personnel do not implement the policies desired by the upper officials. Therefore, the appointment and selection of policy implementing personnel must be people who have dedication to the policies that have been set, more specifically to the interests of the citizens.

2) Incentives are one of the suggested techniques to overcome the problem of policy implementers' attitudes by manipulating incentives. Basically, people move based on their own interests, so manipulating incentives by policymakers influences the actions of policy implementers. By adding to certain profits or costs will probably be a driving factor that makes the executors run the order well. This is done as an effort to fulfill personal or organizational interests.

Bureaucratic Structure

According to Edwards III in Winarno (2005: 150) there are two main characteristics of bureaucracy: "Standard Operational Procedure (SOP) and fragmentation". "Standard operational procedure (SOP) is a development of internal demands for certainty of time, resources and uniformity needs in a complex and broad work organization" (Winarno, 2005:150). The basic size of sops or work procedures is commonly used to cope with common conditions in various public and private sectors. By using SOPs, implementers can optimize the time available and can serve to uniformize the actions of officials in complex and widespread organizations, resulting in great flexibility and great similarity in the application of regulations.

Based on the results of Edward III's research summarized by Winarno (2005: 152) explained that: "SOPs are very likely to be an obstacle to the implementation of new policies that require new ways of working or new types of personnel to implement policies. That way, the greater the policy requires changes in the ways that are prevalent in an organization, the greater the probability of sops hindering implementation."

The second nature of the bureaucratic structure that is influential in the implementation of policy is fragmentation. Edward III in Winarno (2005: 155) explains that "fragmentation is the spread of the responsibility of a policy to several different bodies that require coordination". In general, the greater the coordination required to implement a policy, the less likely the program or policy success is. Fragmentation resulted in narrow views of many bureaucratic institutions. This will have adverse primary consequences for the successful implementation of the policy.

G. Child IDENTITY Card Policy

Kia issuance is an embodiment of the state's presence in improving public quality, because kia that will be owned by every Indonesian child in addition to will be a valid identification or self-proof for children, especially will also make children able to perform public services independently and meet their needs easily, quickly and cheaply, among others in educational activities, health or other social activities.

The basic constitution of the implementation of the Child Identity Card (KIA) includes:

1. Pay attention to the results of the International Convention on the Rights of the Child that has been ratified by the Government of Indonesia, and pay attention to the provisions stipulated in Article 27 of Law No. 35 of 2014 on Amendments to Law No. 23 of 2002 on Child Protection

2. Law No. 23 of 2006 on Population Administration as amended by Law No. 24 of 2013, mandates that in accordance with Article 13

3. Regulation of the Minister of Home Affairs No. 2 of 2016.

III. METHOD

This research is carried out with a qualitative approach that is data spelled out with words, where numbers are used only as support. Thus the research report will contain data excerpts that to give an overview of the presentation of the report then analyze the problem so that it can become a comprehensive scientific work related to the Implementation of Child Identity Card Policy in Banjarbaru City. This type of research is Descriptive, Descriptive was chosen because the researchers considered very appropriate and also appropriate to describe the reality or phenomenon that researchers managed to find in the field regarding the implementation of the Implementation of The Child Identity Card Policy in Banjarbaru City was carried out by the Population and Civil Registry Office of Banjarbaru City. The reason for choosing Banjarbaru City as a research locus is because researchers as residents in Banjarbaru City so it is necessary to examine phenomena related to the implementation of kia programs in Banjarbaru City with focus and easy access to data in this study. Banjarbaru city is a strategic area in South Kalimantan that has human resources and higher education level than other districts / cities in South Kalimantan. The research instrument is the researcher itself who will dig up the results of research from informants through interviews, field observations and documentation with tools in the form of field records, videos and photos from data obtained to analyze communication, resources, dispositions or attitudes

of implementers and bureaucratic structures in research on the implementation of child identity card (KIA) policies in Banjarbaru City.

In this study, the party who will be used as an informant is a person who is considered to have information and can provide knowledge, the widest experience related to the Implementation of child identity card policies in the city of Banjarbaru that are needed by researchers in the field. What will be used as a key informant and supporting informant by researchers is:

1) Head of Population and Civil Registry Office of Banjarbaru City,
2) Head of Population Registration in the Office of Population and Civil Registration..

Supporting Informants:

1) Operator / Staff of the Office of Population and Civil Registration
2) Banjarbaru Community

The data in this study is primary data and secondary data. Primary data includes basic data related directly to research obtained from observations and interviews with informants, including the Head of Population and Civil Registration Office and head of population registration services to obtain data and information related to research. Secondary data sources include research support data sourced from books, regulations, documentation, archives, letters and reports of activities and news in the implementation of the issuance of a Child Identity Card (KIA) in the city of Banjarbaru that has relevance to research. Research Techniques use observation methods, interviews and documentation.

Data analysis used is a descriptive method of analytics, which describes the data collected in the form of words, images, and not numbers. Data derived from manuscripts, interviews, field records, documents, and so on, is then described so as to provide clarity on reality or reality (Sugiyono, 2014: 88). Data analysis in qualitative research is carried out from before entering the field, during the field and after completion in the field. According to Bogdan &Biklen (in Gunawan, 2016: 223) Analysis conducted in the field is carried out continuously, while the data is collected, is an effort to solidify the data as the final data analysis material before the researcher leaves the field.

IV. FINDING AND DISCUSSION

Process of Implementation of Child Identity Card Policy in Banjarbaru City

The Office of Population and Civil Registry of Banjarbaru City in its implementation by:

1) Socializing the KIA Program, which is based on the Regulation of the Minister of Home Affairs No. 2 of 2016 on Child Identity Cards as well as following up on the Decree of the Minister of Home Affairs number 471.13-257Dukcapil 2018 concerning the determination of districts / cities implementing the issuance of Child Identity Cards in 2018.

From the results of the study both interviews with sources and from secondary data found that indeed in 2019 the relevant agencies had carried out socialization including in collaboration with the PKK Subdistrict and Organization, but the socialization did not continue due to budget constraints.

If it is associated with the theory put forward by George C. Edward III then researchers find the following facts:

Communication

From the transmission variables it was found that the communication carried out in socialization was going well, the clarity of communication was sufficient, as well as the consistency conveyed by the relevant officials both because it was in accordance with applicable laws and regulations, it was just necessary to make some improvements because they understood the policy.

Resources

From the results of the study found that in the Population and Civil Records Office of Banjarbaru City, there was a lack of human resources and lack of budget availability that caused socialization not to run optimally.

Disposition

Indicators of bureaucratic appointment and incentives are indicators that exist in disposition, namely with kia program socialization activities charged to the Field of Population Registration Services as coordinators assisted by the joint team of KIA program socialization, in its implementation there are no special incentives given for the implementation of KIA program socialization, there is only honor of socialization sources and there is already honor of Additional Income Allowance (TTP) and PPTK honor for officials. technical implementation of activities.

2) Cooperate with partners, in the implementation of the Child Identity Card policy. In this case, the Population and Civil Registration Office of Banjarbaru City cooperates with cross-regional device work structures (SKPD) and work units in the Banjarbaru City government, private parties and community institutions.

The cooperation of partners carried out by the Office of Population and Civil Registration in implementing the Child Identity Card (KIA) policy in Banjarbaru City is to assign several tasks to partners, one of which is the Education Office with the

target of policy objects to schools and is considered quite effective in achieving the target of participants who are in school age.

Communication

If associated with the theory of Policy Implementation according to Edward III, it can be concluded that indicators of Communication with Transmission, Clarity and Consistency have been carried out in carrying out cooperation with partners that have been carried out both by conducting effective and efficient coordination with partners within the internal scope of SKPD and across sectors to support and implement the Child Identity Card policy in Banjarbaru City.

Resources

According to the theory of the implementation of Edward III's policy, the resource factor in the authority indicator has been implemented quite well, this is seen from the authority to carry out the cooperation built by the Population and Civil Registration Office of Banjarbaru City with partners with the implementation of duties to help the implementation of KIA program policies.

Disposition

It can be concluded that the disposition indicator or attitude of the implementer in Edward III theory that is established between leading sectors to partners who are committed to accepting well the tasks given in accordance with existing instructions and directions to help implement the Child Identity Card program with indicators of bureaucratic appointments appointing teams in collaboration with the Population and Civil Registry Office of Banjarbaru City has been implemented properly.

3) Performing services for issuing a Child Identity Card (KIA)

Based on data obtained from the PIAK Section of the Population and Civil Registry Office of Banjarbaru City, data obtained that shows children aged (0-17) years who are recorded as residents of Banjarbaru City amounted to 78,892 people and who already have a birth certificate which is the basic requirement to print KIA amounting to 73,120 people, with the realization of the number of KIA prints until the first quarter of 2021 amounting to 24,372 children. The implementation of the Child Identity Card program in Banjarbaru City has been implemented since April 2019 with the realization of more than 20% of the number of children who have Birth Certificates in Banjarbaru City as a reference to the basic target of the National Child Identity Card (KIA) program set by the Ministry of Home Affairs in the strategic plan and work plan set for the district / city government. Based on data recapitulation of Printing Of Children's Identity Cards obtained by researchers sourced from the PIAK section, the researcher concluded that in the implementation of the Child Identity Card policy in Banjarbaru City is still very minimal in the issuance of KIA printing because there are still approximately 54,520 children who do not have KIA. Based on the results of interviews and observations conducted by researchers found that the delay in implementing the Child Identity Card (KIA) policy that should have been implemented in 2016 could only be implemented in 2019 which became the dominant factor in the slow realization of KIA issuance.

Communication

From the results of the study it was obtained that the communication variable through transmission indicators runs quite well, because the information conveyed is on target. From the indicator of clarity of information, the author values quite well because it is not only delivered directly but also indirectly through media such as websites, banners and others, and from the aspect of consistency, services are carried out in accordance with the provisions of the laws and regulations.

Resources

Based on the results of human resources research (staff) in terms of readiness, professional dedication skills, competence, number of human resources, it can be concluded that human resources are an important factor for the implementation of policies well where in the implementation of service officers, the Population And Civil Registry Office of Banjarbaru City is quite good, although there are shortcomings in terms of the number of human resources. Budget indicators already exist even though it is not enough to complete the KIA program. Based on budget allocation data for the implementation of KIA in Banjarbaru City, researchers assessed that kia program budget in the Population and Civil Registry Office of Banjarbaru City is still very minimal considering based on the recapitulation of issuance realization. Facilities in the issuance of Children's Identity Cards (KIA) in the Population and Civil Registration Office of Banjarbaru City already have a comfortable space for all employees / operators with computers and air-conditioned rooms, technically already have printer tools and special printing tools KIA brand Evolis Avansia and Evolis Primasy to provide KIA services already have a good network system, although there is a network disruption, so that it has an impact on employee performance because they cannot work, it is expected that with the purchase of the Mandiri Population Administration (ADM) platform tool is able to accelerate the performance process of KIA services.

Disposition

The disposition indicator or attitude of the implementer in Edward III theory to carry out kia issuance services by the executor is well committed with honesty, integrity and work ethic in carrying out the tasks given in accordance with the

instructions and directions available to carry out the services of issuing the Child Identity Card program and indicators of bureaucratic appointment at the Population and Civil Registry Office of Banjarbaru City have been carried out properly by appointing the Apparatus in accordance with the with competence and professionalism in their fields in accordance with the mandate in the Laws and Regulations.

Bureaucratic Structure

According to Edward III in Nugroho (2009), explained that the bureaucratic structure is concerned with the suitability of bureaucratic organizations that are organizers of public policy implementation. The challenge is how not to occur bureaucratic fragmentation because this structure makes the implementation process far from effective. In the Implementation of The Child Identity Card Policy in Banjarbaru City, researchers divided the explanation of the results about the bureaucratic structure into 2 (two) indicators of sop bureaucratic structure, and in the Child Identity Card Policy in Banjarbaru City is quite good seen from the sop aspect that has contained the duties and responsibilities of each implementer of the Child Identity Card Policy. This means that the complete SOP on the implementation of the Child Identity Card Policy (KIA in Banjarbaru City). The next indicator is fragmentation. Indicators of fragmentation in the division of information delivery service tasks to the community, services and issuance of KIA researchers see it is good enough in accordance with the duties and responsibilities given to subordinates, because it already has a clear SOP in terms of the implementation of the Child Identity Card Policy (KIA) program in Banjarbaru City.

5.2.2   Analysis of Factors Inhibiting the Implementation of Child Identity Card Policy (KIA) in Banjarbaru City

Based on the results of the discussion above, researchers can conduct a general analysis of factors inhibiting the Implementation of Child Identity Card Policy (KIA) in Banjarbaru City which in this case the Population and Civil Registry Office of Banjarbaru City as the Leading Sector still finds obstacles because the main factor is budget constraints that have no maximum impact on all programs carried out, among others:

1. Limited socialization activities are only carried out in 2019 and there is no continued face-to-face socialization directly to the community which indicates that socialization activities are not optimal and uneven because there are still many people in Banjarbaru City who do not know and have KIA when viewed from the results of kia issuance recapitulation.

2. Delays in implementing the KIA program, due to the achievement of the issuance of Birth Certificates that have not been achieved become the main requirement in the issuance of KIA, then the inhibition factor of budget readiness is large enough for the procurement of blangko, printing press and ink, so that it can only implement it in 2019 in Banjarbaru City which has an impact on the late achievement of KIA issuance in Banjarbaru City.

3. The Population and Civil Registration Office of Banjarbaru City has not committed and cooperated in the utilization of the KIA program because it has not optimized the utilization of KIA which is an important point that must be implemented in accordance with orders from the Minister of Home Affairs, so that the output of KIA issuance has not had benefits that can be felt by the community and children in particular.

4. Sum is limited in manpower (Staff) and must double duty due to budget constraints because there is no special budget to be able to recruit additional experts and special personnel to handle KIA policies. This has an impact on the realization of the realization of the issuance of Children's IDENTITY Cards in Banjarbaru City which is too late considering that there are still many 17-year-old residents of Banjarbaru City who do not have KIA.

5. The limitations of APBD (Regional Revenue and Spending Budget) budget and the absence of special allocation funds from the central government which is very important to realize the achievement of the target of issuing Children's Identity Cards in Banjarbaru City indicates that the KIA program is not a top priority of the Banjarbaru City Government because it is given a minimal budget.

CONCLUSSION

Based on the results of research and discussion analysis that have been outlined in the previous chapters, conclusions can be drawn as follows:

1) The process of Implementing the Child Identity Card Policy in Banjarbaru City has been carried out quite well can be seen from the implementation process by implementing the Kia Program Socialization although not yet thoroughly, Collaborating with Partners and providing KIA issuance services by achieving the national target of 20% kia printing by 2020, but there are still 75% of children in Banjarbaru City who have KIA and KIA Utilization is not optimal because the city government Banjarbaru has not implemented kia utilization with third parties so that children who have KIA have not received the benefits of KIA to get public services in Banjarbaru City.

2) Inhibiting factors in the Implementation of The Child Identity Card Policy in Banjarbaru City in general are the main factors that are the limitations of the allocation of funds / budgets available at the Population and Civil Registration Office of Banjarbaru City which has a major influence in the implementation of the Child Identity Card program.

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Investigating the Moderating Effects of Social Wellbeing on the Relationship between Brand Identity and Fan Loyalty amongst Soccer Fans in America

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ABSTRACT: This study builds on Funk and James (2001) and Bauer et al.'s (2008) attempts at modeling the relationship between brand identity and fan loyalty by examining the relationship in the context of fans of professional soccer in the United States. Social wellbeing is introduced into the model, answering the question "What are the moderating effects of social wellbeing on the relationship between brand identity and fan loyalty amongst fans of MLS?". A multiple regression analysis was done to verify the conceptual pathway delineated by Bauer et al. The results showed that the model accounted for 40.6% of the variance (R^2 = .406) and the model encompassing both non-product and product related attributes did significantly predict fan loyalty, $F_{(2,26)}$ = 9.341, p = .000. Additionally, non-product related attributes contributed significantly to the modelB (B = .034, p = .475) while product attributes did not. Implications of the results are discussed.

KEY WORDS: *brand image, brand awareness, social integration*

INTRODUCTION

Researchers have been attempting to better understand sports fans' motivations, consumer interests, and loyalties in order to gain a more comprehensive understanding of a social phenomenon that has captivated millions of people worldwide. This captivation is at its most intense when it comes to soccer, the world's most popular sport, with the global soccer organization FIFA generating $4.6 billion in 2018 (Tomlinson, 2018). Soccer has galvanized populations of die-hard supporters, particularly across Europe and South America, with fans likening their support of their favorite team to a religion, participating in violent run-ins with opposition fans, and at times being driven to suicide when their favorite team loses (Brown, 1998). This fever-pitch level of support for soccer has not quite reached the United States as of yet, but the market is growing, with NBC buying comprehensive rights to broadcast the English Premier League in 2013 (Sandomir, 2015) and finding support both in rankings and viewership (Bassam, 2020). The MLS, the United States' first division league, has enjoyed growth in viewership in-stadium support, with plans to introduce new franchises in the coming years, bringing the total number of franchises to 32 (Nicholson, 2019). As the sport grows in popularity in a new and sizeable market, unique opportunities for research present themselves. One such opportunity is to build on the work of prior researchers that have looked at the phenomenon of fan behavior, the benefits of participating in sport fandom, and the reasons why fans begin and continue supporting their teams over time.

The social benefits of sports fandom have been catalogued extensively in recent years, and the importance of the social benefits of sports fandom plays a significant part in determining fan loyalty, as Bauer et al.'s model and analysis confirms. This article will attempt to build on this knowledge by exploring the moderating effects that an individual's social wellbeing has on the parsimonious model of brand identity and fan loyalty established in their 2008 work. A better understanding of the role that one's social health plays in determining the strength and direction of one's loyalty as a fan can play a key role in the strategies various sports managers undertake in order to grow the long-term support of their brand, as well as rendering a wider social understanding of the role that sports teams and their fans effect the communities they are integrated in. Gathering data from fans in the United States provides a unique opportunity to examine the effects of social wellbeing on brand loyalty while the sport is in its relative infancy with regards to popularity in comparison to the rest of the Western World. As a consequence of examining the relationship in an earlier stage, a better understanding of how social wellbeing effects the relationship between brand identity and fan loyalty can have a larger impact in growing the popularity of the sport, as well as the potential positive social externalities that a soccer team can bring to a community.

Fan Loyalty

For the purposes of this project, the fan will be defined as those who are allegiant to specific sports or teams (Pooley, 1980). There

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has been some conjecture over the blanket nature of the term fan with some research detailing at length the nuanced and gradational nature of this term (Hewer, Gannon and Cordina, 2017; Holt, 1995, Wann and Branscombe, 1990). The behavioral component to fandom is also of importance in this study, both as a measure of identity and measurability. Sports marketing scholars have identified a multitude of behavioral components to sports fandom which will be incorporated into the functional definition of loyalty utilized in this paper.

The behavioral component of loyalty has been the primary source of measuring levels of fandom in much of sports marketing literature and social psychology (Bauer et al., 2008), due to its ease of measurement and salience of observable behaviors such as consumption when viewed within the team sports context. Spectator figures have been commonly cited as a barometer of this phenomena (Deschriver and Jensen, 2002; Funk, Mahoney and Ridinger, 2002; Beccarini and Ferrand, 2006; Wann and Branscombe, 1990). There are, of course, fans of a team whom are loyal but do not attend matches for a multitude of reasons, such as the surge in international popularity of some of the more successful European soccer clubs, causing fans to be unable to attend even if they would want to (Rein et al., 2006) and the rising salience of online fan communities and interventions such as social media taking a foothold in the marketing strategies of soccer teams in the modern day.

However, there is more to loyalty than mere behavior. Looking at the concept one dimensionally ignores nuances, as Backman and Crompton (1991) show with their illumination of the concept of spurious loyalty, which is seen in the fans that don't possess a strong positive attitude towards any team, but who nevertheless attend the matches on an ongoing basis. These examples aside, the trajectory amongst the literature is one that is attempting to go beyond such measurements and incorporate a more holistic lens to measure fan loyalty. Mahoney, Madrigal and Howard (2000) go so far as to say that the exclusive use of behavioral indicators that measure loyalty ignores the psychological processes that can give insights into the overarching concept of loyalty as a whole.

In order to address this limitation, the attitudinal component of loyalty will be used in this study as well. Attitudinal indicators refer to the psychological processes such as feelings of loyalty and commitment to a team (Bauer et al., 2008). Commitment in this context is defined as an emotional or psychological attachment to a brand (Beatty and Kahle, 1988). The brands in the context of this study are the professional soccer clubs competing in the MLS.

The attitudinal component of loyalty has been a theme central to past work on the topic, with attempts at measuring the concept in a team sports context by scholars Gladden and Funk (2001) and Mahoney et al. (2000). This line of research has led to three components of commitment surfacing as prominent: inner attachment, persistence and resistance. These components of commitment are deep seated psychological factors and are of particular relevance to sports marketers, as higher levels of these components lead to a level of loyalty that is more stubborn and less effected by variations in on field performance (Gladden and Funk, 2001).

Additionally, attitudinal measurements of loyalty are a better barometer of long-term loyalty, as attitudinal loyalty is more indicative of intrinsically motivated commitment, thereby helping to avoid cases of spurious loyalty.

Furthering the academic understanding of fan loyalty is of relevance to both sports marketers intending to grow their brand and build long-term support, but also to the potential fans themselves. There are several psychological reasons that an individual would want to become a fan of a certain team, namely the need to feel part of a distinct group (Branscombe et al., 1999) and the need to belong (Theodorakis et al., 2012). The need to belong can be described as the need to form and maintain strong, stable, interpersonal relationships, and in many psychological schools, is viewed as a fundamental innate motivation for human beings (Hornsey and Jetten, 2004; Pickett et al., 2004). Recent literature has pointed to the ability of sport fandom to fulfill that innate motivation. Sport fandom is a social activity (Schurr et al., 1998, Wann et al., 2001) and affiliation needs are often ranked as primary motivators for individuals engaging in sport fandom (Lee and Armstrong, 2008; Lee et al., 2005; Wann 1995). Sports fans also appear to use sport to satisfy social interaction needs (Mann, 1969).

Theodorakis et al. further investigated the relationship between the "need to belong" as an antecedent to sport team identification in an empirical study completed in 2012. Theodorakis et al. distributed a survey including questions addressing levels of general sport fandom and levels of sport spectatorship to a local basketball team. The other component of their survey assessed the participants' "need to belong." The researchers repeated this survey again in Greece to gain a cross-cultural comparison in an attempt to weed out any culture-dependent variables. The results indicated that the "need to belong" was significantly correlated with level of identification with a local team in both the American and Greek samples (Theodorakis et al., 2012). Although the results were merely correlational, it is significant in empirically testing the linkages of one of the positive social byproducts of sport fandom and team identification.

A deeper understanding of the mechanisms by which both the attitudinal and behavioral measures of loyalty can be increased could lead to more potentially loyal and committed fans, increasing accessibility to the social benefits that accompany it. One key variable that may be associated with fan loyalty is brand image.

Brand Image

Brand image is the form in which a brand is perceived by consumers. Certain brands in professional soccer have elevated their brand

to global prominence, conveying a message that goes beyond their results on the pitch or the aesthetic nature of their play. Additionally, bolstering a club's brand image has been proven as a method of insulation from the financially detrimental effects of losses and poor on field performances (Gladden and Funk, 2001). As such, brand management has gained prominence amongst sports marketers and researchers in the United Kingdom, the United States and continental Europe. Brand identity is the operationalization of brand image, referring to how much a consumer identifies with the aspects of a given brand image (Bauer et al., 2008). Therefore, brand identity is the aspect of brand image that can be measured operationally.

There are two prominent empirical models that measure brand image. These models were developed by marketing scholars outside of the context of sport. Aaker (1991) proposed that the concept of brand equity is a synopsis of the advantages and disadvantages that a customer relates to a brand or symbol that drive the value of a product or service.

Keller's (1993) model draws on Aaker's conceptualization by further breaking down the concept of brand equity into two spheres, brand awareness and brand image. Brand awareness refers to a consumer's ability to recognize and recall a brand (Keller, 1993). Brand awareness is the first step to building associations that are tied to the brand node in memory. If brand awareness has not occurred, the various connections and associations that comprise brand identity cannot be made. (Bauer et al., 2008, p. 209). Understanding these associations is vital to the sports marketers who can create value outside of the core product itself by influencing the consumer's associations with his or her brand. In the marketing world, this creates a "bubble" for the core product, ensuring positive associations despite poor performances or quality on the field. Keller further suggests measuring brand associations via a three-pronged framework, consisting of the favorability, strength and uniqueness of brand associations in the consumer's memory. Keller's conceptualization has been measured in a sports context by Gladden and Funk (2001, 2002) by surveying committed fans across all the major American sports (58% of respondents cited an American soccer team as their favorite team, 37% baseball, 9% basketball and 4.9% hockey). In this heterogenous mixture of sports fans surveyed, Gladden and Funk performed a multiple regression analysis and found positive relationships between six brand association dimensions, including "product delivery," "escape," "nostalgia," "fan identification," and "brand loyalty," suggesting that higher scores of fan loyalty correlated to a greater emphasis on these associations. Interestingly, the negative scores were associated with star player and tradition, suggesting that the more loyal an individual, the less emphasis he or she attached to these particular brand association dimensions (Gladden and Funk, 2001, p.68).

These results, although fascinating, fail to recognize the differences of the sports and the subsequent difference in the values, perceptions, and attitudes of the people who become fans of them. Although there are similarities amongst sports fans regardless of the specific sport they are a fan of, perhaps more value could be found in further segmenting the study to individual sports in order to control for the potential differences amongst fans of each unique sport.

Bauer et al. made some conceptual adjustments to the model used by Gladden and Funk.

First of all, the primary variable measured in their study was brand identity, defined in their study as "the cumulative product of brand associations in the consumer's mind (Bauer et al., 2008, p. 209). Brand identity was measured by a model building on Keller's (1993) work. Bauer et al. made a further adjustment to the model by adding in measures indicating the strength, favorability and uniqueness of each brand attribute. Bauer et al. further classified brand attributes into product and non-product related attributes. Following their classification, the category of product related attributes consisted of elements constituting the core product of the sports team such as head coach, star player, success and team play. Non- product related attributes included elements still related to the brand but not direct components of the team itself. These attributes include a club's history and tradition, logo and club colors, and fan identification to name a few (Bauer et al., p. 227). The consumer's perceived benefits of these attributes were also measured. Noteworthy examples of the benefits measured include peer group acceptance, escape, socializing and companionship, emotions, nostalgia and entertainment.

In addition, shifting the conceptual focal point from Gladden and Funk's model, Bauer et al. kept their study to fans of a single sport, professional soccer, by surveying fans the German Bundesliga exclusively. This shift in operationalization is a key one in the conceptual pathway leading to this study, which will be focusing solely on American soccer fans.

Bauer et al.'s survey and subsequent analysis suggested that the effect of the non-product related attributes on perceived fan benefits was almost triple that of non-product related benefits (Bauer et al., p. 222). Following this conceptual model, this means that the benefits of non- product attributes such as fan identification, socializing and companionship play a much more vital part in determining fan loyalty when compared to product related attributes. Although this may seem surprising, these findings are consistent with prior research examining brand associations in team sports, explaining, for example, consistent levels of support amongst sports teams despite poor results during matches (King and Mullin, 2000; Bauer, Sauer and Schmidt, 2004).

Bauer et al. conclude their study by making recommendations for sports marketers.

According to the researchers, sports marketers can increase levels of fan loyalty by improving the aspects of non-product related attributes of their teams, specifically by "fostering contact with other fans and cultivating the team's tradition (Bauer et al., p. 227)." Bauer et al. continue to recommend that "sports clubs should emphasize the creation and conservation of fan loyalty through well

planned interactions designed to deliver extraordinary experiences (Bauer et al., p. 222)."

Bauer et al.'s adjustments and insights into the conceptualization of the measurement of brand image as well as their finding that emphasize the importance of fostering meaningful and quality interactions amongst fans to increase fan loyalty are key theoretical springboards for this study.

In the following section, the literature surrounding the relationship between soccer fandom and its connection to social health and wellbeing will be reviewed.

Social Connection and its Impact on Wellbeing

The concept of social integration can be thought of as the relationship between social ties and individual health (Berkman et al., 2000). According to Berkman et al., (2000) there are two theorists who have contributed the most to the field of understanding the relationship between social ties and individual health, Durkheim and his work on social integration, alienation and anomie, and John Bowlby's work on attachment theory.

Durkheim's "Suicide" explains the relationship between social cohesion, social integration and mortality, with an aim to illustrate how individual pathology was interrelated to social dynamics (Berkman et al., 2000). In his work, Durkheim identified four types of suicide: egoistic, altruistic, anomic and fatalistic (Pickering and Walford, 2000). Egoistic suicide cases would come about as a result of an individual's poor integration within a community, leading to a rise in meaninglessness so profound that the individual decides to take his own life (Harriford and Thompson, 2008). Durkheim found that these individuals were not sufficiently integrated to social groups, and therefore did not benefit from the guidance, support and companionship that those groups thereby provided. Durkheim found that unmarried men were particularly susceptible to this type of suicide (Thompson, 1982).

John Bowlby forward attachment theory, another theoretical base that has served as a building block for much of the modern work on social integration and mental wellbeing (Storr, 1991). Attachment theory contends that a healthy form of attachment of infants to their mothers provides a critical jumping off point from which that infant can venture forth and create meaningful relationships outside of familial protection (Bowlby, 1969). Bowlby states that "secure attachment provides an external ring of psychological protection which maintains the child's metabolism in a stable state, similar to the internal homeostasis mechanism of blood pressure and temperature control." Bowlby saw marriage as an adult extension of that childhood need for attachment, equating one's spouse in adulthood to one's mother during infancy, providing that the role of a social base from which to explore the outer social world with confidence and without fear, thus leading to other lasting and loving relationships.

Bowlby and Durkheim's contributions to the field of social connection and mental health prove that an individual's mental health is inextricably tied to their connections with other human beings (Berkman et al., 2000). The complexities of that relationship have been studied since, and much has been discovered, particularly in the "downstream" manifestations of the health consequences and benefits studied in lonely or disconnected individuals. These include avenues of social support, (typically divided into subtypes of emotional, informational, appraisal, and instrumental support [Weiss, 1974]), social influence (referring to the influence one's peers or social group has on one's health behaviors such as smoking, exercising, drinking, etc.), social engagement (providing opportunities for networking as well as enhancing the quality of already existing relationships), and person to person contact (related specifically to the exposure of disease vectors).

The works of Durkheim and Bowlby illustrate that individual and social wellbeing go hand in hand. In the following section, we will examine the mechanisms by which participation in sport fandom can influence one's social wellbeing.

Soccer Fandom and Social Wellbeing

There are various social theories which attempt to explain the ways in which social participation in group activities such as sport spectatorship affect social wellbeing. Hogg and Abrams examined the importance of the demarcation and affirmation of an in-group and the necessary foil of an out-group with which the in-group compared itself to. Their resulting 'social identity theory' refers to a person's knowledge that they belong in a social category or group (Hogg and Abrams, 2006). According to this theory, individuals seek to define themselves in terms of their immersion in relationships with others and with larger collectives and derive much of their self-valuation from such social identities (Hogg and Abrams, 2006) In other words, one's individual identity, and the self-worth or lack thereof that it brings to that individual, is contingent on one's favorable position within an in-group. This desire to fit favorably in an in- group has even been referred to as "the essence of social identity" (Pelham, 1995).

Additionally, sociologist Robert Putnam's theory of social capital outlines the declining trend of civic engagement in the United States, particularly evident in the sharp decrease in voluntary participation in community groups such as sports teams, union membership, and parent teacher schooling organizations, to name a few. This trend, according to Putnam, is damaging the social fabric of communities within the United States, leading to significant drops in levels of social trust (Putnam, 2000). Less social participation within communities leads to less opportunities to produce social capital, defined as "features of social organization such as networks, norms and social trust that facilitate coordination and cooperation for a mutual benefit."

Various sociologists have examined the effects of Putnam's theory of social capital creation and sport. Delaney and Keaney (2005) have analyzed the relationship between the extent of the involvement in sport and the level of social capital across Europe,

analyzing how sport contributes to bridging social bonds and more active citizenship. Strong correlations between extent of involvement in sport and the levels of social trust and well-being were found as well (Delaney & Keaney, 2005).

Research Question and Aims

Expanding upon the lineage of studies focusing on brand equity in team sport Gladden and Funk, 2001) and refined under the context of professional soccer in the Bundesliga (Bauer et al, 2008), this study intends to introduce the variable of social wellbeing into the equation comprising brand identity and fan loyalty. The social nature of soccer fandom and the various benefits it brings to social health have been extensively documented in various cultural and empirical contexts, but there remains a gap between the marketing research surrounding brand equity in soccer and the social benefits of sports fandom examined by Wann, Branscombe and others. This research intends to be a bridge by which sports marketers can better understand the non-product related benefits that accompany being a fan of a professional soccer team.

This study will utilize the conceptual model and method of measurement utilized by Bauer et al. in their study on the relationship between brand identity and fan loyalty in professional soccer. This relationship will be examined amongst a population of MLS fans in the United States, providing a cross-cultural example to which the German study can be compared. Additionally, a measure of social wellbeing will be introduced, established by social psychologist Keyes (1998). The moderating effects of social wellbeing on the relationship between identity and fan loyalty will then be examined in order to answer the question, "What are the moderating effects of social wellbeing on the relationship between brand identity and fan loyalty amongst fans of the MLS?"

METHODOLOGY

Operationalizing Fan Loyalty

The construct of fan loyalty was adopted from Bauer et al.'s 2008 study. Bauer et al. broke down their measurement of loyalty into two dimensions: behavioral loyalty and psychological commitment, which represented the attitudinal component of loyalty (p. 215). The constructs measuring psychological commitment were adopted from the Psychological Commitment to a Team Scale (PCT), developed by Mahoney, Madrigal and Howard (2000) and from the TAM developed by Gladden and Funk (2001). Bauer et al. added two items measuring the importance of the future welfare of the club, an aspect that was left out of earlier conceptual renditions. This aspect of fan loyalty was adapted from Garabarino and Johnson's Commitment Scale (1999). A mean scale score for loyalty was calculated and used as a dependent variable in the study. This mean scale score incorporated both the attitudinal and behavioral components of loyalty.

Operationalizing Brand Identity

The construct of brand identity was also adopted from Bauer et al.'s 2008 study. In their study, brand equity of the sports clubs studied was broken down into brand attributes. Brand attributes were subsequently further broken down into product and non-product related attributes. The strength, favorability and uniqueness regarding these attributes is then measured. Mean scale scores were calculated for both product and non-product related attributes, respectively. These mean scale scores were then used for analysis.

Participants

In order to fill the criteria for this study, the participants had to be active fans from teams in the MLS. Participants were therefore recruited from fan forums on the social media platform, Reddit. Subscribers from each team's unique fan forum volunteered to take part after an invitational prompt was posted on the forum wall.

The total number of respondents who answered the survey came to a total of 324. The initial batch of responses yielded a total of 267 usable responses, as 57 responses were unable to be utilized due to being incomplete or fans having indicated that their favorite team was outside of the MLS. Given that the respondents were recruited from highly active fan forums during the offseason, the sample utilized in this study is biased towards more committed fans. Because higher levels of commitment could lead to higher levels of fan loyalty, this was considered to be advantageous.

Fifty-three percent of the respondents were aged 20-29, with the average age of respondents being 30 years old. As expected, the majority of the respondents were male (88.4%). The average level of education was higher than average, with 42.2% of respondents reporting having received a bachelor's degree, 16.6% having received a master's degree, and only 3.1% not having received a high school diploma. The respondents were a mixture of fans from all MLS teams. The teams with the most fans represented in the survey were Atlanta United (31) and the Colombus Crew (21).

Survey

In order to measure the moderating effects of social wellbeing on the relationship between brand image and fan loyalty in professional soccer amongst fans in the MLS, a survey was created.

This survey contained operationalizations of the constructs discussed previously. Participants were firstly ensured of their anonymity and asked for their consent before beginning to participate. Respondents then filled out general demographic information.

Investigating the Moderating Effects of Social Wellbeing on the Relationship between Brand Identity and Fan Loyalty amongst Soccer Fans in America

Participants then answered questions taken from Keyes' Social Wellbeing Scale (1998). This scale measures social wellbeing across five dimensions: social integration, social contribution, social coherence, social actualization, and social acceptance. The Social Wellbeing Scale has a high reliability and validity and has been used in prior studies regarding social wellbeing amongst sports fans (Wann et al., 2009).

This scale included a total of thirty items (six questions for each of the five dimensions) and each response was measured by Likert Scale responses with a range from 1 to 7. A sample question from this scale asks the participate to indicate how strongly they'd agree with a statement such as the following: "Your community is a source of comfort," or "You think you have something of value to give to the world." An aggregate mean score was calculated for each of the respondent's answers across the SWS and used for the subsequent analysis.

Participants were then asked to indicate their favorite soccer team via a write in response. Respondents whom indicated that their favorite team was outside of the MLS had their responses invalidated and were not utilized in the analysis. Once their favorite teams were indicated, their levels of loyalty to that team were measured on a seven-point Likert scale. Aggregate scores were then used for analysis.

Brand identity was then assessed. Again, responses were measured on a seven-point Likert scale. Participants were asked to indicate their opinions on the strength, favorability, and uniqueness of each brand attribute. Attributes were divided intro product and non-product related in keeping with the structure utilized in Bauer et al.'s 2008 study. Aggregate scores calculated for each of the two attribute subcategories and were utilized for the subsequent analysis.

Analysis

Mean scale scores were computed for social wellbeing, fan loyalty, and product and non-product related attributes. As all items were measured on the same seven-point Likert Scale, no further transformation of the variables was necessary to begin the analysis.

A multiple regression analysis was first conducted between the attributes that comprised brand identity and the computed mean scale score for fan loyalty. This was done to ensure that the relationships amongst the constructs were consistent with Bauer et al.'s findings, therefore validating the data as a basis for further analysis. Prior to conducting the multiple regression analysis, various preconditions for the regression were conducted and met. These preconditions included ensuring that the relationship between product and non-product related attributes and fan loyalty was linear, making sure that there was no multicollinearity in the data, checking for homoscedasticity, ensuring normally distributed residuals, and checking for outliers (Osborne and Waters, 2012). The results of the multiple regression will be discussed in the following section.

After the multiple regression was conducted and the model was formed, the moderating effects of social wellbeing on said model was examined. Hayes' "Process" macro was utilized for this analysis. This macro is reliable and has been used frequently in many academic studies (Hayes and Rockwood, 2017). The results of the moderation analysis will be discussed in the following section.

RESULTS

Does brand image significantly predict fan loyalty in the data collected?

The results of the regression analysis indicated that the regression model explained 40.6% of the variance (R^2 = .406) and that the model encompassing both non-product and product related attributes was indeed a significant predictor of fan loyalty, $F_{(2,26)}$ = 9.341, p = .000. Similar to the results of Bauer et al.'s regression analysis, it was found that non-product related attributes contributed significantly to the model (B = .034, p = .475), thereby reaffirming the relationship between the constructs of brand identity and fan loyalty as catalogued in Bauer et al.'s study. The final predictive model was as follows:

Fan Loyalty = 2.373 + (.034 x product related attributes) + (.600 x non-product related attributes

Model	Sum of Squares	df	Mean Square	F	Sig.
Regression	76.024	2	38.012	90.36	.000[b]
Residual	111.334	264	.422		

ANOVA[a']

Total	187.358	266			

[a]Dependent Variable: fan loyalty

[b]Predictors: (Constant), np_related_attributes, p_related_attributes,

Figure 1: ANOVA table: Multiple Regression

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Coefficients[a]

Model	Unstandardized B	Coefficients Std. Error	Standardized Coefficients Beta	t	Sig.
(Constant)	2.373	.253		9.386	.000
N	.034	.047	.044	.715	.475
Non Product Related Attributes	.600	.061	.608	9.824	.000

Figure 2: Coefficients Table: Multiple Regression

Does social wellbeing significantly moderate the relationship between brand image and fan loyalty amongst soccer fans in the MLS?

Once the initial predictive model was confirmed as significant via a multiple regression analysis, the moderation analysis was performed. After running Hayes' "Process" macro in SPSS, the following table was generated:

MODEL SUMMARY

Model	coeff	se	t	p	LLCI	ULCI
constant	-.5660	1.6468	-3.433	.7317	-3.8122	2.6803
bidentit	1.0723	.3043	3.5723	.0005	.4731	1.6725
swbs	.6667	.3505	1.9022	.0582	-.0234	1.3568
Int_1	-.1006	.0639	-1.5745	.1166	-.2264	.0252

Figure 3: Model Summary table: Moderation

As seen in the table, the moderating interaction is described in the line labelled "Int_1." Judging by the confidence interval columns, it can be said that social wellbeing did *not* have a significant moderating effect on the relationship between brand identity and fan loyalty, as the range between the two confidence intervals included 0 (LLCI = 2.2264, ULCI = .0252) (Hayes, 2012). Therefore, after running a moderation analysis it can be concluded that social wellbeing is *not* a significant moderator on the relationship between brand identity and fan loyalty amongst fans of the MLS.

DISCUSSION

Each of the two findings from both analyses lend important insights into the relationship between brand identity and fan loyalty amongst fans of professional soccer in the MLS. Firstly, the insights provided by Bauer et al. in their analysis of the aforementioned relationship rings true amongst a different cultural sample; the perceived benefits of non-product related attributes play a far more important role in the creation of fan loyalty than do the perceived benefits of product related attributes. This relationship holds true despite the vast cultural differences between German and American fans, especially with regards to soccer. The German Bundesliga is a far more storied and established league in the MLS, with prominent teams such as Bayern Munich having been established at the turn of the 20th century (1900) and has enjoyed vast European successes and grown into an international brand. The values of German soccer are held very dearly by fans and professionals with private ownership being permitted only as recently as 1998. Additionally, the "50+1 Rule" was implemented in order to maintain the fans as an integral part of the ownership and direction of German soccer clubs more generally (Scheuber, 2017). In contrast, fans of the MLS are not as historically or culturally invested in soccer as their German counterparts. The league experienced a period of excruciatingly low attendance and disillusionment from fans from the late 1990s to the early 2000s, with the league going so far as to change the mechanics of the sport to make it more "American," such as adding hockey-style shootouts to determine the outcome of matches ending in a draw. These tweaks did not

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bring in new fans and instead alienated the already established ones (Rivera, 2014). Although the league has made a resurgence in recent years, its attendance figures pale in comparison to the German Bundesliga; the Bundesliga's average attendance in the 2018/19 season was 43,358 compared to 21,875 in the MLS (Borg, 2018).

Despite the gulf in cultural importance and the comparatively young life of soccer in the United States, it is still intriguing to see that non-product related attributes such as club history and tradition play such an important part in generating fan loyalty, while the values of sport traditionally associated with American sport such as star player, success, and head coach were nearly insignificant in comparison. The consistency of the relationship between product and non- product related attributes in the creation of fan loyalty across vastly different cultural contexts brings into question the salience of culture in the formation of fan loyalty. Investigating the role that the salience of culture plays in the development of fan loyalty amongst soccer fans presents an interesting avenue for future research. The relationship between brand image and fan loyalty should be studied cross-culturally in order to give more insights on the role that the sport of soccer's presence in a given culture plays on how attributes are interpreted by fans.

The other significant implication from this study can be gleaned from the results of the moderation analysis, whereby the moderating influence of social wellbeing on the relationship between brand identity and fan loyalty was examined. This is the first study in which social wellbeing as measured by Keyes' Social Wellbeing Scale (1998) has been used in the context of fan loyalty and marks another step in understanding the social aspects of soccer fandom.

One relevant instance of incorporating social wellbeing and the SWS into a sports fandom context is Wann and Weaver's 2009 study examining the hypothesized relationship between fan-team identification and social wellbeing. Wann and Weaver found that a stronger identification with a local team was positively related to social wellbeing, specifically to the subcategories of social wellbeing concerning social integration and social coherence (Wann and Weaver, 2009). Wann and Weaver's findings coupled with a multitude of studies verifying the linkages between social-psychological wellbeing and identification (Delaney and Keaney, 2005; Jarvie, 2003; Tonts 2005; Hiannis, 1998; Funk and James, 2001; Branscombe et al., 1999) set the stage for social wellbeing to have an important role to play in influencing the link between brand identity and fan loyalty. However, the results of the moderation analysis ran contrary to the expectations set by the conclusions of previous studies, as social wellbeing failed to moderate the relationship between brand identity and fan loyalty in a significant manner.

This finding has implications in both the business and social realms. From a business perspective, while the influence that a strong fan identity has on loyalty is undeniable and is again evidenced by this study, unduly efforts to portray the soccer team as a remedy to one's
feelings of social isolation or disconnect is not advisable. Instead, marketers should target and bolster avenues by which connections to both club culture and other fans can be established and strengthened.

It can be postulated that the manner in which social media has revolutionized the methods by which fans interact with their teams has a part to play in explaining the lack of the significant moderating influence of social wellbeing on brand identity and fan loyalty. As the criteria of what constitutes being a loyal fan shifts from the physical interactions with the spaces and people connected to a given club to a more amorphous, internet-based identity, the linkages between the fan and the physical aspects of community may continue to diminish. Future research should examine the ways that the traditional location-based notion of fandom and fan loyalty has changed due to the now ubiquitous presence of social media in the experience of soccer fans.

Although this study has contributed to the literature, it is not without its limitations. Firstly, aggregate scores for social wellbeing were used for the analyses performed. Future research would do well to incorporate Wann and Weaver's idea of analyzing the predictive power of each of the five sub- components of social wellbeing, as measured by Keyes's Social Wellbeing Scale (1998). Doing so would give a more nuanced insight into which particular aspects of social health (e.g. social integration, social acceptance, and social actualization, social coherence, social contribution) effect the relationship between brand identity and fan loyalty.

Additionally, the sample utilized in this study was intentionally constrictive, sampling only committed fans of teams in the MLS in order to glean insights into the nature of fan loyalty amongst fans of a sizeable yet relatively untapped market. Future research should expand the samples studies to include fans of different cultures and levels of commitment in order to gain more a conclusive snapshot of the width and depth of soccer fandom around the world.

Finally, this study only examined the moderating effects of social wellbeing on one aspect of fan loyalty. The effects of social wellbeing on aspects of fan loyalty such as attachment (Funk and James, 2006) and identification (Funk and James, 2001; Wann and Branscombe, 1993; Sutton et al., 1997) amongst soccer fans should also be examined. Perhaps one's social- psychological health could have greater moderating influences on other established relationships in the conceptualization of fan loyalty.

CONCLUSION

This study builds on Bauer et al.'s (2008) conceptual model of the relationship between brand identity and fan loyalty by examining the relationship using a different cultural sample, that of committed fans of the MLS. Bauer et al.'s findings of the importance of non-product related attributes such as club history, tradition and fan identity were mirrored in the sample utilized for this study. A

moderation analysis was then performed by introducing the moderating variable of social wellbeing into the established relationship between brand identity and fan loyalty. The moderating effects of social wellbeing were not found to be significant.

These findings provide insights into the role of the cultural significance of soccer in a given society when conceptualizing fan loyalty, as regression analyses showed that non-product related attributes played just as important a role in the modeling of fan loyalty amongst American soccer fans as it did in the German sample despite the sport playing a much smaller role in the cultural and social lives of Americans. Consequently, clubs should continue to increase the accessibility and quality of fan engagement practices such as club-sponsored meet ups and facilitate the creation and participation of fans in club-related internet forums and social media in order to increase positive associations with non-product related attributes. Additionally, social wellbeing's non-significant role in moderating the relationship between brand identity and fan loyalty highlight the changing nature of what constitutes being a loyal fan in a time where connections to the physical places represented by soccer clubs could be transitioning into a more remote, internet based experience due to the influence of social media and online mediums of fan support. Traditional measures of behavioral loyalty such as attending matches in a stadium could begin to be replaced with other metrics, such as the number of tweets tweeted during a match or amount of club-related Instagram posts.

Future research should build on the results shown in this paper by analyzing the different interactions of each of the five specific components of social wellbeing and how they contribute not only to fan loyalty but other aspects of soccer fandom such as attachment and team identification, as well as incorporating cross cultural samples of differing levels of commitment in order to gain a more conclusive understanding of the aspects influencing fan loyalty amongst fans of professional soccer. Doing so would benefit sports marketers as well as fans by

developing marketing strategies that target the social and emotional needs of the supporters of a club, allowing both parties to enjoy the positive ramifications associated with a loyal fanbase.

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Legal Concept and Essence of International Arbitration

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ABSTRACT: This article analyzes the legal concept and essence of international arbitration. The authors analyses that international arbitration is a legal process aimed at resolving disputes between companies or individuals in different states, usually by including a clause in the contract to refer future disputes to an international arbitrator. Analyses showed that there is arbitration jurisprudence, which is an established method of international arbitration consisting of decisions on certain types of cases and has become a source of legal norms in a number of areas, including issues of substantive law.

KEY WORDS: international arbitration, dispute resolution, ADR, arbitration juresprudence.

Arbitration is a process used to resolve disputes by reaching an agreement between parties. Disputes in the arbitral tribunal are compulsorily settled by the person or persons acting in the court, not by the court of internal parties, as long as the parties agree to include them, giving them jurisdiction.

Arbitration is an alternative method of dispute resolution in which the dispute is referred to 'an impartial (third party) has chosen by the parties so that both parties can hear the decision of the arbitrator after the trial'.[1] The essence of arbitration is that the dispute is not referred to the court but to the forum chosen by the parties for themselves. This is important because of the consensual and binding nature as well as the flexibility of most arbitration courts specifically.

There has been a surge in cross-border arbitration in recent years, thus imbuing the procedure with an international character. International commercial arbitration has evolved as a private transnational dispute resolution system consisting of multilateral conventions, bilateral treaties, national arbitration rules and the principles and rules of private informal dispute resolution. The 1920s saw the rise of modern law governing international commercial arbitration, and in 1958, the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, commonly known as the New York Convention, was adopted. This was followed by the harmonisation of arbitration procedures in the form of the 1976 UNCITRAL Arbitration Rules and the 1985 UNCITRAL Model Law on International Commercial Arbitration.

In the scientific field of private international law, there have been lengthy discussions about the legal nature of arbitration and its place in the system of jurisdictional bodies. Thus, there are several basic theories (concepts) today regarding the determination of the nature of arbitration (international commercial arbitration): jurisdictional, contractual, mixed and autonomous arbitration.[2]

International arbitration is a legal process aimed at resolving disputes between companies or individuals in different states, usually by including a clause in the contract to refer future disputes to an international arbitrator.

Arbitration jurisprudence is an established method of international arbitration consisting of decisions on certain types of cases and has become a source of legal norms in a number of areas, including issues of substantive law.

There are four main features of international arbitration. First, international arbitration is autonomous and exists in an area that is independent of and unrelated to national laws and jurisdictions. As some have speculated, arbitration does not operate solely on the basis of a contract, a waiver of jurisdiction by the state or even a combination of both. Rather, arbitration is an autonomous system with procedures independent of any national legal system. Second, the parties express to the arbitration tribunal their views on and preferences for the case at hand. Regardless of their reasoning, the parties agree that the courts should be set aside, the question being the extent to which the courts should be involved. Third, except in rare cases, the arbitral tribunal is primarily responsible for resolving all relevant issues. National courts, which possess the ability to bypass the arbitrary decisions of courts, also have the ability to attract the attention of knowledgeable decision-makers and secure the final and binding nature of any decision. Access to the autonomous domain of international arbitration is an attractive feature of an alternative dispute resolution system. Even if national law is chosen as the substantive law of the contract or the right of the arbitral tribunal, the parties may

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[1] Rustambekov I.R. (2018) 'Practical aspects of formation of the system of international commercial arbitration in the Republic of Uzbekistan'. p. 6

[2] Rustambekov I.R. (2018) 'International commercial arbitration'. *Textbook*. pp. 13–14.

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deliberately and explicitly deny the jurisdiction of these courts. The parties may make this choice for a variety of reasons, such as the non-acceptance, inadmissibility or inconsistency of the 'separation' of national courts, and the arbitration agreement may be maintained even if the dispute between the parties is resolved. Fourth, despite the autonomous nature of the arbitral tribunal, it must be acknowledged that no dispute resolution system exists in a vacuum. Without compromising its autonomy, international arbitration routinely deals with national jurisdictions to ensure its legitimacy, support, assistance and efficiency. The assistance of local courts is provided in various forms at different stages of the arbitral proceedings, as: (1) national law must recognise and enforce the arbitration agreement as well as any decisions made; (2) national law must support the arbitration process; and (3) international arbitration has established some basic standards requiring the maintenance of law and order in society that are reflected in international instruments at the international level.

According to the opinion of Rustambekov,[1] international commercial arbitration is a self-regulating, politically and procedurally independent system of non-state consideration and resolution of international trade disputes arising on the basis of foreign economic transactions between subjects of different states. The consideration of these disputes is based on the use of substantive law, according to the agreement of the parties or in accordance with conflict of laws rules at the discretion of arbitrators based on the principle of fairness in trade and business practices. International commercial arbitration was first emphasised in the Dispute on the United Nations Conference on International Commercial Arbitration in 1958. The global proliferation of 'development' has influenced various aspects of humanity, and the wider dissemination of information on commercial arbitration laws has contributed significantly to progress in international commercial arbitration. The confusion of concepts such as liberalisation, globalisation and consumerism has led to schematic changes in the way people think about trade and related concepts. Evolving multilateral, bilateral and transnational treaties and policies have had inevitable impacts abroad. Thus, international arbitration is considered to be an excellent means of resolving commercial disputes. As pointed out by Ubaydullaev, existing acts are theoretically outdated, fail to meet the requirements of a market economy and are rather complicated to apply, and therefore, a new legislative basis is needed to regulate these relations.[2]

As Boguslavsky notes, 'One of the most important goals of procedural legislation is to provide conditions for the execution of a court decision. If such a decision is not carried out or is not enforceable, the entire system of legislative norms aimed at protecting violated rights, and all judicial activities to assess the offence, the choice and application of measures to protect the right turn into fiction, therefore, the legal execution of the decision on protection becomes paramount'.[3]

International arbitrationA has long enjoyed a reputation as the preferred method of dispute resolution between transnational contracting parties. Arbitration is preferable to the judicial mechanisms of national courts, as the former comparatively provides for a more neutral forum, a decision that can be easily enforced. The jurisdiction of international arbitration depends on its advantages as well as its disadvantages. The benefits of international arbitration trade aside, it faces several misconceptions. For example, international commercial arbitration requires denationalisation in order for national laws to be considered separately and the entire process of international commercial arbitration to be regulated by the lex mercatoria system. However, this has not been achieved, as it is impossible to remain indifferent to national laws. Thus, national laws converged, and efforts have been made to unify and harmonise the laws surrounding international commercial arbitration, despite the various approaches to arbitration by national courts. Even today, national jurisdictions play supervisory roles, which can be inferred from the fact that many national jurisdictions do provide for arbitration mechanisms in accordance with their respective civil procedure codes. However, the onus is on nation-states to determine what is 'international' and 'commercial' in terms of international commercial arbitration.

Another issue faced by international commercial arbitration is the subject matter. The compilation of a list of arbitration cases in accordance with national law is the prerogative of the state. Topics may vary depending on the development of science and technology and can include technology transfer, e-commerce, entertainment and sports, sponsorship, genetic engineering, commercial space exploitation, telecommunications and so on. International transactions are very complex, as they involve multiple parties, and it is not possible for several parties to resolve a dispute together in one arbitration court. Furthermore, the consolidation of claims is not allowed as it is in the court, and the res judicata principle is not applicable. Consequently, it is necessary to initiate several court proceedings.

International commercial arbitration is also associated with conflicts of arbitral awards. Conflicts of arbitral awards mainly arise from the fact that the doctrine of precedent is irrelevant to arbitration. There is no rule that would imply that a decision on a particular issue or set of facts binds arbitrators facing similar problems or similar facts. Each award is regarded separately, leading to situations of uncertainty and hesitation, the solutions to which are neither quick nor inexpensive.

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[1] Rustambekov I.R. (2018) 'Practical aspects of formation of the system of international commercial arbitration in the Republic of Uzbekistan'. p.12.

[2] Ubaydullaev, Z.S. (2004) 'Concept for the development of legislation on arbitration courts and international commercial court in the Republic of Uzbekistan'. *Arbitration courts in Uzbekistan: Analysis and development trend*. T.: Shark, pp. 340–341.

[3] Boguslavsky M.M. Modern trends in expanding the scope of institutional arbitration courts // Actual issues of international commercial arbitration / Ed. A.S. Komarov. - M .: Spark, 2002 . - P. 39.

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The parties of any contract have the right to choose the scope of the arbitral tribunal. Certain terms are included in the contract, and arbitration proceedings, as well as related rules and procedures, must be selected in advance. In addition, independent arbitral tribunals must establish separate rules and procedures for conducting arbitration proceedings. As noted by Shamukhamedova, despite the existing differences in approaches to the regulation of hereditary relations, the role of substantive legal norms of international agreements – transformed into national legislation – is steadily increasing. The significance of the norms of direct action is especially great, as standard rules have established in accordance with these norms for states and their participants in order to uniformly resolve specific issues. Under modern conditions, many countries have pursued the expansion of the scope of application of unified substantive legal norms.[1]

The actual contract is concluded by the parties, and the regulations on the submission of dispute arise to them upon arbitration. At the request of one of the parties, the dispute is subject to arbitration. The two issues that must be addressed in the early stages of arbitration are whether there is a valid contract and whether it includes the relevant rules of arbitration.

In recent years, over 30 international arbitration claims have been filed by investors from developing countries with institutional centres and ad hoc arbitration courts. In most cases, international investment disputes are submitted to specialised international investment arbitrators. Most often, claims from foreign investors are filed against developing countries; thus, the countries of Central and Latin America often act as defendants in international arbitration courts in investment disputes. However, the number of cases in which the defendants are Ukraine, Georgia, the Republic of Kazakhstan, the Kyrgyz Republic and the Republic of Uzbekistan is growing.[2] According to a well-known French commentator, 'the arbitration agreement and the autonomy of the main contract do not mean that they are completely independent of each other, because the acceptance of the contract leads to the unconditional acceptance of this article'.[3]

The determination of jurisdiction of a local arbitral tribunal depends on the fulfilment of the following preconditions.
- ✓ There must be a valid contract between the parties;
- ✓ The contract into which the parties enter must contain an arbitration clause, which must be valid and enforceable;
- ✓ The dispute under consideration must be arbitration; that is, it must be included in the subject of consideration.

The determination of the jurisdiction of international arbitration depends on the following factors.
- ✓ The agreement between the parties must be in writing;
- ✓ The arbitration must take place in a country that has signed the New York Convention;
- ✓ The dispute under consideration must be arbitration, which should be included in the topic;
- ✓ The determination of jurisdiction cannot be completely internal in scope.

To understand the differences between the definition of jurisdiction in national and international arbitration, it is necessary to answer the following questions: do the national courts hold the supreme position in the arbitration process, and to what extent can a sovereign country tolerate international commercial arbitration as an exception to the jurisdiction of national courts?

As long as the concept of state sovereignty is noteworthy, decisions regarding any transnational dispute can only be enforced through sovereign national courts, a fact that is clearly emphasised in the provisions of the New York Convention. This is because even the unanimous decision of an international forum has no more force than a merciful appeal, as sovereign states remain sovereign.

The arbitral tribunal is accepted as an autonomous entity and can be separated from other clauses of the contract. This is what separates the arbitral tribunal from litigation courts, allowing it to be governed by laws other than the law governing the main settlement.

A significant increase in the role of international trade in the economic development of any country is associated with a simultaneous increase in trade disputes. The participants of a transnational treaty are representatives of different nationalities and, therefore, the national courts of each country. Thus, they may experience strong disagreements that are subject to the laws of the other party's country for fear of the 'supremacy of the local court' of which the other party may take advantage. This has led to the recognition of arbitration as the preferred method of resolving cross-border commercial disputes.

Thus, it would not be an exaggeration to say that the existence of international commercial arbitration is entirely dependent on the compliance of member states with their obligations under the Convention. While the executive and legislative branches of governments of the Member States definitely have roles to play in light of their specific municipal structures, the entire mechanism of the Convention and other important instruments of arbitration law require the cooperation of national courts, as the system is based on mutual trust. If the court favours its citizens, this reciprocity is violated, and a negative precedent is set. Thus, the possible

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[1] Shamukhamedova Z. (2008) 'The system of international legal regulation of hereditary relations'. *Review of the legislation of Uzbekistan*, No. 3–4, p. 49.

[2] Rustambekov I.R. (2018) 'Practical aspects of formation of the system of international commercial arbitration in the Republic of Uzbekistan'. pp. 10–11.

[3] Jean Francois Poudret et al. Comparative Law of International Arbitration (2nd ed, 2007).

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strengthening of the rule of law, the widening use of international arbitration to resolve cross-border disputes and the enforcement of arbitral awards depend on the essence and efforts of sovereign national courts.

Fortunately, evidence suggests that courts around the world are implementing the Convention in an increasingly coherent and synchronised manner in order to serve global trade and commerce. As a result of the Convention, an international standard is emerging in many ways. All of this has greatly contributed to the harmonisation of international arbitration law, which, in turn, contributes to the achievement of a quality desired by the international trading community.

A debate settlement system in which a nonpartisan outsider decides the settlement between the parties privately rather than at the state level is known as arbitration. The mediator's choice is official, the judges are managerial experts in the relevant subjects and, if the contentions are business- or trade-related, the jurisdiction may be local or global. In situations where nations require interventional strategies to resolve their dispute, arbitration techniques may be utilised. Model Law states that if parties are prepared to dispute and their seats of arbitration are in various conditions at the conclusion of the agreement, if the arbitration agreement is arranged outside of the state in which they have acnes of commercial or if the parties identify with more than one nation and they concede to mediation, then the debates are haired as universal business discretion.

In general, business intercession plays an essential role in settling disputes between countries. There are several favourable circumstances for intervention under which states are likely to undergo the process of arbitration. They surmise that this system is narrower than litigation; however, in actuality, it is especially broad. Mediators are specialists in their spheres, and they endeavour the circumstance with the regular consent of the social affairs and besides its miles the clean method to clear up the discussions and once you have the solicitation events has fitting to visit the court plan on specific grounds yet this contraption has still now not a ghastly part benefits for the events and the enforceability of solicitations similarly occurs, there may be worldwide court of affirmation underneath which by and large assembly room of trade 'ICC' is a free establishment who deals the models related to trade this court plan doesn't, now clear up the events quickly, it settle the inquiries by using arbitrational parties who course of action circumstances under the ICC rules.

The arbitral tribunal has the ability to choose its own jurisdiction, as its power arises from the contract between parties. Separability and the competence-competence principle are very notable ideas in universal arbitration. These two propositions are intended to maintain a strategic distance between arbitration and other types of legal intervention that may create disarray within the framework of arbitration.

The principle of competence-competence permits the court to exert private force. Arbitration is presently becoming an attractive process for dynamic debate as a result of its particular capabilities, and most would agree that this methodology is progressively becoming simpler and more effective.[1]

The International Chamber of Commerce provided the arbitral court with a Chair of Arbitration to discuss the problems facing the current system of international arbitration. Official decisions are continually made on parties' behalfs. The guidelines of separability and competence are customary apparatus that serve as precepts in 'global business mediation practices to peer that the interests and consistent quest for its key players are cultivated. These activities are extensively pace, money related framework, familiarity, specialized data shirking of countrywide for producing grants that oppose legal strategy in some cases and appreciate legitimacy in others'.[2] In his article, Barceló III states that although these concepts differ from one another, they are in many ways related on the grounds that they both prevent legal mediation from discouraging legal procedures. According to Sabirov, arbitration has a number of advantages over the economic court. Firstly, arbitration is more efficient. If parties apply to the economic court, the case may go through three or more legal instances. The arbitration tribunal provides only one instance, and the award made by it is final and enforceable (unless a party requests a revision and can prove that the proceedings contained violations due to which an unfair award was made). Currently, there are cases in the economic courts that have been tried for several years to no avail. Secondly, in the economic court, dispute resolution is carried out by judges appointed by the state, while in arbitration proceedings, the parties of the dispute can select an arbitrator from a list of those available. Moreover, this list may include not only lawyers but representatives of other specialties as well who may possess a greater understanding of the essence of the economic dispute. Thirdly, arbitration is more profitable in economic terms, as parties do not have to pay for participation, while in the economic court, parties may have to pay for three or more instances. Finally, there are fewer potential opportunities for corruption in arbitration.[3]

This study examines the jurisdiction of the arbitral tribunal based on the experiences of foreign countries according to UNCITRAL Model Law and provides recommendations for the optimal pre-trial settlement of economic and civil disputes in the Republic of Uzbekistan. Additionally, it will discuss the purpose, extent of utility and shortcomings of arbitration regulations in

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[1] Rustambekov I.R. (2018) 'Practical aspects of formation of the system of international commercial arbitration in the Republic of Uzbekistan'. p. 15.

[2] Brams, S.J. and Taylor,A.D (1996) 'Fair division from cake cutting to dispute resolution', *Cambridge university press, Cambridge,* U.K, p.33-34.

[3] Sabirov, M. (2003) 'Arbitration: advantages, necessity and problems of introduction in Uzbekistan'. *Economic Review*, No. 11. http://www.review.uz/archive/article.asp?y=2003&m=64&id=199

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Wales and England with respect to the Arbitration Act 1996,[1] the LCIA Arbitration Guidelines 2014, the Convention on the Recognition and Enforcement of Foreign Arbitral Rewards 1958[2] and other books and papers.

The Arbitration Act 1996 is a countrywide law that oversees interventional procedures in England and Wales and regards the principles of separability and competence in Sections 7 and 30(1) as follows:

Except in cases agreed upon by the parties, the arbitration agreement will not be viewed as invalid, non-present or insufficient in light of the fact that the other agreement is invalid, and it will be treated as a separate agreement for that purpose.

The convention of separability states that fair-minded mediation is essential to the settlement of cases. This idea is known in some guidelines as the self-governance of mediation provision – 'autonomie de la proviso compromissiore'[3] – and furthermore referred to as 'the teaching of independence, severability or separability'.[4] It subsequently concludes that, if these guidelines fall flat or become null, the arbitration conditions contained in the initial agreement still stand.[5]

Lord Macmillan, in the case of Heyman v Darwins Ltd,[6] succinctly stated the doctrine of the principle of separability as follows: 'The arbitration procedures [may have] fallen, but the arbitral tribunal is not one of the deal's features… the arbitral clause endures for the reason of assessing the violation arguments and also persists in order to decide the nature of their contract'.[7]

On the other hand, the doctrine of jurisprudence[8] is a philosophy of jurisprudence stating that the arbitral tribunal may also rule on its authority to decide upon the substantive claims filed previously.

The competence-competence principle is well defined in the arbitration agreement, as the court is granted inherent competence to decide the case and, essentially, the validity of the principal agreement.[9]

However, this effect also restricts the features of the court docket, giving the court the opportunity to choose its personal authority and the legitimacy of the adjudication contract. Courts may stand by the power to conduct a thorough evaluation only once an award has been given, either to separate the award or to incorporate it.

Devlin, J. states that 'Usually, the issue of authority is a formal substance for the arbitral tribunal to evaluate. Whether a conflict should be resolved by a jury rather than a judge is theme to issues such as if there is adjudication arrangement, whether it is legitimate or whether the argument falls within the reach of the adjudication arrangement'.[10] The author of 'International Commercial Arbitration – A Transnational Perspective' states that 'Especially in the US, these queries are frequently collectively termed as the issue of "arbitrability"'.[11] 'The concept has been used to determine whether a tribunal has authority to hear a disagreement as a part of establishing arbitration agreement. It involves whether the tribunal will hear a conflict that has already been settled in another court'.[12]

The principle of competence-competence permits the tribunal to declare that an arbitration agreement is illegal and, without contradicting itself, that it lacks jurisdiction. Therefore, a dispute may arise as to how a judiciary that relies solely on the adjudication contract may consider the agreement to be invalid. The solution lies within the competence-competence concept. This concept is not provided for in the adjudication clause but rather in the adjudication rules of the state in which the adjudication is held (known as lex arbitri or the seat) as well as the adjudication laws of any authority in which the settlement is implemented.

While general arbitration grants deliberate power to the tribunal, courts of law in these states in which the settlement is held are obliged to impose a reward distributed by the tribunal concerning their private influence with the proviso that competence-competence is recognised in their state arbitration rules.[13]

The study of jurisdictional methods of competence reveals differences between judges regarding the constricting conditions in the application of the NYC Convention and Model Law. The differences in state court approaches to undesirable results are also attributable to certain state strategy rationales, including the strategy of avoiding dilatory tactics used by parties to postpone

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[1] The Arbitration Act 1996 is the core legislation governing arbitration in England and Wales as well as Northern Ireland.

[2] The 'who decides' question concerns the competence rule, and the question of 'whether an element is mandatory element' concerns the rule of separability.

[3] The LCIA Rules 2014 is a set of core institutional rules governing international commercial arbitration in England and Wales.

[4] The United Kingdom applies the New York Convention only to the recognition and enforcement of awards made in the territory of another contracting state.

[5] Born, G.B. 'International commercial arbitration: commentary and materials'.

[6] (1942) AC 356 at 374.

[7] The words in brackets are my original words and have only been inserted for emphasis.

[8] Known as *kompentenz-kompentenz* in the German language and *compétence-compétence* in French.

[9] Poudret, J.F. above n 11, [162].

[10] Devlin, J. (1954) Christopher Brown Ltd v Genossensschaft Oestterreichischer Waldbessitzer Holzwirtschaftsbetriebee Registriertte GmbH. 1 Q.B. 12, 13.

[11] Varady, T., Barcele III, J.J. and von Mehren, A.T. (2006). *International Commercial Arbitration – A Transnational Perspective*, 3rd ed. p. 87.

[12] *AT&T Technologies Inc v Communications Workers,* 475 US 643 (1986); *First Options of Chicago Inc v Kaplan,* 514 US (1995).

[13] Banttekas, I. (1996) *Australian Year Book of International Law*. Volume 27 (2008) p. 193. See *US Fire Insurance Co v National Gypsum Co,* 101 F 3d 813 (2nd Cir).

arbitration, which is based on the principle of competence-competence. Another approach is founded on the guiding code of centralising judicial review of adjudication disputes.[1] Also we can see some differences in national laws and Model Law.[2]

It is a universal principle that the jurisdiction of the arbitration court is to control its private power.[3] This principle is clearly established in Section 30 of the Arbitration Act 1996, and Lord Collin addresses this general position in the Dallah actual estate case[4] as well. Authority is granted to the court to resolve the challenges of, for example, invalidations of the arbitration agreement. Doctrine law grants the court the power to bring proceedings against the respondent who raised the objection as well as to hear the contest and, in this manner, adhere to the original agreement.[24]

Undesirable influence constrains the obligations of the court and furnishes the court with the capacity to choose its own power, compromising the integrity of the arbitration arrangement. In the primary case, the council has the ability to survey its own charges by allowing temporary status to the court to be investigated by the tribunal.[5]

Courts of law have the influence to implement or set apart the reward after it is authorised, and they reserve certain powers as well. In the case of Dallah Real Estate & Tourism Holding Co v Ministry of Religious Affairs, Government of Pakistan, the Supreme Court ruled that the doctrine of competence-competence is the power of the arbitral tribunal to determine its jurisdiction.[6]

The issue of jurisdiction must first be considered in order for the arbitral tribunal to determine its authority.[7] If a court is required to decide a conflict rather than challenge whether the arbitration agreement occurs and its legality, its domain is beyond the reach of the adjudication arrangement.[8] In this manner, the arbitration agreement is used to decide whether a tribunal possesses jurisdiction over the hearing on the issue of the development of the arbitration contract.[9] This identifies whether the court has the jurisdiction to hear a conflict that has already been decided and settle in another way.

Under these circumstances, the court makes it plain that competence-competence is the purview of a strong council that the court believes could use its influence and feels is significant.[10] It is likewise noted that the council is not the main appointed authority in this domain; whether it is genuine or not, there seems to be a higher-level power that can analyse the decisions of the council and may be in a position to authorise decisions.[11]

As previously mentioned, the principle of competence-competence enables the tribunal to conclude that a discrete settlement is unacceptable and, without disavowing itself, declare that it lacks the authority to intervene.[12] Thus, according to Gaillard and Savage: 'There are likewise particular harmful ramifications of this hypothesis, as per French regulations, the idea of negative competence-competence has been formalised and sets out that, when a contradiction is brought before the court under an arbitration agreement, the council diminishes its jurisdiction if the court has not gotten the issue and furthermore cannot, on the off chance that it imagines that the arrangement is useless and invalid'.[13]

The Arbitration Act 1996 section 30(1) declares that 'the arbitral tribunal may rule on its own substantive jurisdiction'.[14] Similarly, the LCIA Rules[15] and the ICC Rules[16] state that the adjudication court has the authority to decide its jurisdiction over the disputes brought before it. At this point, the issue of 'who decides?' becomes imperative. Do the LCIA Rules, the empowering facility of the Arbitration court's Regulation and the Arbitration Art give the tribunal absolute, exclusive and unfettered power to select its jurisdiction?[17]

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[1] Article II(3) of the NYC Convention states: 'The court of a contracting State, when seized of an action in an issue in respect of that the parties have made an treaty, within the meaning of this article, shall, at the claim of one of the parties, refer the parties to arbitration, unless it finds that the said contract is null and void, inoperative or not capable of being performed.'

[2] Islambek Rustambekov (2021). Uzbekistan. The New – and First – International Commercial Arbitration Law. ICC Dispute Resolution Bulletin. #2. P.25-28. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3872373

[3] Lew, J. et al. (2003) *Comparative International Commercial Arbitration (the Hague, Kluwer Law).* Note 1, p. 332.

[4] http://arbitrationblog.kluwerarbitration.com/2011/04/07/dallah-and-the-new-york-convention/

[5] Poudret, J.F. et al. (2007) *Comparative Law of International Arbitration.* 2nd ed. p. 162.

[6] *Dallah Real Estate & Tourism Holding Case.*

[7] Jones, D. (2009) Competence-competence 75(1) *Arbitration: The Journal by the Chartered Institution of Arbitrations.* p. 56.

[8] Devlin, J. (1954) *Christstopher Brown Ltd v Genossenschaft Oesterreischer Waldbesitzer Holzwirtschaftsbetriebe Registrierte GmbH.* 1 Q.B 12, 13.

[9] Varady, T., Barcele III, J.J. and von Mehren, A.T. (2006). *International Commercial Arbitration – A Transnational Perspective,* 3rd ed. p. 87.

[10] Ilias Bantekas, *Australian year Book of International Law* Volume 27 (2008) 193.

[11] Also in *US Fire Insurance Co v National Gypsum Co, 101 F 3d 813 (2nd Cir 1996).*

[12] Dallah, supra note 1, at 22, referring to P. Fouchard, E. Gaillard, B. Goldman & J. Savage, Fouchard Gaillard Goldman on International Commercial Arbitration, 659(1999).

[13] Gaillard, E. and Savage, J. (1999) Fouchard Goldman on International Commercial Arbitration, 661.88.

[14] Arbitration act of UK", 1996, URL: https://www.legislation.gov.uk/ukpga/1996/23/contents.

[15] LCIA Rules 2014, section 23.4.

[16] LCIA Rules 2014, section 23.12.

[17] Gaillard, E. and Savage, J. (1999) Fouchard Goldman on International Commercial Arbitration, 661.88.

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The decision of the Supreme Court in the case of Dallah Estate and Tourism Holding Co v The Ministry of Religious Affairs, Government of Pakistan[1] clarified the applicability of the rule of competence-competence in England. In this case, the Supreme Court claimed[2] that 'it is a common principle of intercontinental commercial arbitration that a tribunal is allowed to make a decision as to its jurisdiction separate from the contract with the practical privileges in argument'.[3] This is widely known as the doctrine of competence-competence. Moreover, the fact that a tribunal may determine its own jurisdiction does not give it special authority to do so and definitely does not prevent the re-examination of the jurisdiction of the tribunal by an administrative court that is not in the arbitration seat.[4]

Fouchard Gaillard Goldman on Intercontinental Profitable Arbitration[5] epitomised reasoning behind not simply engaging the arbitral council on the teaching of control as monitors: '[arbitrators cannot be] single appointed authorities of their locale, which would be neither sensible nor good. For sure, the genuine explanation of the [competence-competence] rule is in no way, shape or form to leave the inquiry of the ward of the mediators alone in the possession of the judges'.

Furthermore, 'a party which doesn't take part in the arbitral proceeding can initiate court proceedings under the country court by prudence of the Arbitration Act 1996'.[6] For a presentation that the council unlucky deficiencies jurisdiction on the grounds of an invalid arbitration contract, weakness of the contract of the discretion court or that the issue referenced in the assertion are not as per the intervention contract.

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5) Cordero-Moss (2010) 'Can an Arbitral Tribunal Disregard the Choice of Law Made by the Parties?', p.38-39.
6) Devlin, J. (1954) Christopher Brown Ltd v Genossensschaft Oestterreichischer Waldbessitzer Holzwirtschaftsbetriebee Registriertte GmbH. 1 Q.B. 12, 13.
7) Gaillard, E. and Savage, J. (1999), Fouchard Gaillard Goldman on International Commercial Arbitration.
8) Dallah, supra note 1, at 22, referring to P. Fouchard, E. Gaillard, B. Goldman & J. Savage, Fouchard Gaillard Goldman on International Commercial Arbitration, 659(1999).
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10) International Chamber of Commerce Rules on Arbitration 2012, article 8(3)
11) Ilias Bantekas, *Australian year Book of International Law* Volume 27 (2008) 193.
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[1] International Chamber of Commerce Rules on Arbitration 2012, article 8(3)

[2] Smith, H. in association with Glass Lutz and Stibbe (2011) 'The Competence-Competence Doctrine and the Enforcement of Arbitral Awards'. *Japan Dispute Avoidance Newsletter*. http://www.lexology.com/library/detail.aspx?g=70303764-71b7-4352-babb-6c8c8d399190

[3] Cordero-Moss (2010) 'Can an Arbitral Tribunal Disregard the Choice of Law Made by the Parties?', p.38-39.

[4] Arbitration Act 1996, section 30

[5] Arbitration Act 1996, section 67

[6] Gaillard, E. and Savage, J. (1999), Fouchard Gaillard Goldman on International Commercial Arbitration.

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Pedagogical Conditions for Improving the Research Activities of Future Primary School Teachers

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ABSTRACT: This article shows how to improve the research activities of future primary school teachers in the country, the organization of future primary school teachers using information technology in the educational process. In this case, we have been shown in various reports and documents that the future primary school teachers should have a subjective assessment of the situation themselves, rather than official data.

KEY WORDS: research, research activities, educational research activities, anti-creativity, false creativity, mythical.

INTRODUCTION

There are various approaches in the literature today to defining research activities. To clarify this concept, we will look at a number of interrelated concepts – "research" "research activities", and "educational research activities".

In this category, the concept of "research" is more broadly defined. Obukhov sees the world as a creative process of self-knowledge and self-knowledge [114].

Pedagogical activity is related to the need to substantiate knowledge through observation, experience, and analysis through analysis of statistical data. However, we can use these other types of activities "as a separate type of activity, which seeks to remove (exclude) all subjective from the results of scientific activity".

THE MAIN FINDINGS AND RESULTS

The research activity of future primary school teachers is creative; it can be said in the organization of educational work related to the solution of the research problem and the assumption of the existence of the main stages of scientific research and the implementation of the planned target. The main distinguishing feature of the research activity is the practical methodology of studying the selected phenomenon, the presence of elements such as its own material (in the humanities, it can be information from primary sources), analysis of its own data.

The study of science in terms of its finished product shows that "the most typical features of scientific creativity are the novelty and social value of the knowledge obtained. On this basis, scientific creativity is often defined as a cognitive activity to produce new, socially significant information. Referring to the novelty of knowledge, we can consider as an example from the field of creativity of reproductive cognitive movements associated with the development of a particular subject of knowledge previously acquired by society. Demonstration of social values is necessary to separate the boundaries between scientific creativity and objectively accurate information, which can be considered as an example of "anti-creativity", "false creativity", "mythical" and thus social development, which limits science and creativity.

This means that we need to study and consider cognitive activity to determine the main features of our research activity. It can be cited as an example of direct emotional-personal communication, subjective manipulative activity, role-playing, educational activity, in which the main and leading activity in all periods of human life is called cognitive activity and manifests itself in different forms depending on this age.

In our view, cognitive activity, aimed at recognizing the world around us (nature, society, consciousness) and changing one's consciousness with feedback (changing nature and society), can be seen as a purposeful, variable human quality. In the broadest sense of the word, we have a programmatic and informational basis for activity related to labor, decision-making, and the formation of a system of cognitively important qualities, and we can state the quality and appearance of a person's leading activity at certain stages of life.

Such features also have an impact on research activities as a form of cognitive activity.

As we have noted, scientific activity includes all forms and methods of work on obtaining scientific knowledge, as well as their storage and dissemination (formation of concepts, creation of hypotheses and theories, observation, experimentation, classification and generalization of results).

Pedagogical Conditions For Improving The Research Activities Of Future Primary School Teachers

An analysis of the scientific literature allows us to confirm that research activity is a tool that helps to realize human-specific cognitive abilities.

The study and analysis of international experience in the pedagogy and psychology of education shows that educational institutions have recently attached great importance to unity. Prospective primary school teachers need scientific and educational activism by engaging them in research. In the UK, Germany, France and other countries, compulsory enrollment of students in research is provided for in state and national education standards.

According to a number of foreign scholars, the most important task of education is to improve the ability of future primary school teachers to see, formulate and solve some scientific problems of practical importance. In the learning process, the student should have the skills to organize and conduct research independently, be able to find, compare facts, make connections between them, generalize and draw conclusions. To do this, he must be able to use knowledge from a variety of sources, interpret the information obtained, formulate research results correctly, and defend them. Participation in research contributes to a student's intellectual, professional, and overall personal growth.

In particular, it is worthwhile to consider the approaches of foreign scholars in interpreting the concepts we use here. "Research", "scientific research", "research activity".

During our study, different interpretations and opinions were expressed by scientists. In this sense, scientific research is carried out as an original discovery that generates new knowledge. At the same time, it should be noted that the term 'research' also implies the discovery of existing knowledge from a new perspective.

The foreign literature suggests that scientific research is a systematic, controlled, empirical, and critical study of hypotheses about permissible natural phenomena [196]; this leads to the acquisition of new knowledge through intellectually managed research, the discovery and systematization of new information, or through the development and further awareness of existing information and practice.

We can emphasize that research activity in a broad sense can be seen as an active learning process that helps students develop critical thinking and the ability to solve problems independently at certain stages: Problem identification, analysis of existing research. topic, research strategy and selection of necessary methods, research, data collection, interpretation, writing a scientific paper; the process, the main result of which is the product of intellectual work presented in a standard form.

At present, various approaches have been developed to identify the types of research activities that involve research and extracurricular activities, including interdisciplinary, pedagogical, creative, and more.

Analysis of psychological, pedagogical and sociological literature allows students to express the main types of creative work through a specific concept. They can be divided into the following.

Works written on the basis of several literary sources in order to fully cover the information and any problem.

Problem-abstract - involves comparing data from different literary and documentary sources, on the basis of which is given its own interpretation of the given problem.

Natural and descriptive - phenomenon observation and qualitative description.

Experimental based on the description of a scientific experiment.

CONCLUSION

So, in our opinion, research is a work done using a technique, with the help of which we can take our own experimental materials and based on it the analysis and conclusions about the essence of the studied phenomenon.

Furthermore, we can state that the main purpose of research work is not to obtain scientific results with objective novelty, but the ability to apply the simplest research and skills.

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Judicial Review of Administrative Sanctions against the Foreigner According To Immigration Act In Indonesia

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ABSTRACT : The problems in this study regarding the Juridical Review of the Application of Administrative Sanctions for Foreigners according to Law Number 6 of 2011 concerning Immigration are: 1) How are Administrative Sanctions for Foreign Citizens Violating Immigration Regulations Based on Law Number 6 of 2011 concerning Immigration Examined from the Act State Administration, 2) What Weaknesses Are Regulated by Administrative Sanctions Law no. 6 of 2011 concerning Immigration, 3) How Ideally and Administrative Sanctions Should be regulated in Law 6 of 2011 concerning Immigration for Foreigners Who Violates Immigration Rules. The method used is descriptive analytical normative legal research. The results of the study indicate that the administrative sanctions for immigration are based on Article 75 paragraph (1) and paragraph (2) of Law Number 6 of 2011 concerning Immigration. Immigration Administrative Sanctions by immigration officials are based on objective considerations, and are based on administrative sanctions patterns in accordance with the study of state administrative law. However, the regulation of administrative sanctions against foreigners who commit immigration violations in Indonesia is still not maximized. This is because there are several weaknesses in Law Number 6 of 2011 concerning Immigration, especially regarding Immigration Administration sanctions, related to "adverse actions". A more in-depth analysis of Immigration Administrative Sanctions is needed to formulate the ideal administrative sanctions, one of which is the comparison method of Immigration Administrative Sanctions in Indonesia with Administrative Sanctions in other countries, as well as to formulate the ideal conditions of Immigration Administrative Sanctions.

KEYWORDS: Administrative Immigration Sanction, Violation of Foreigner.

INTRODUCTION

Associated with the rapid development of traffic flow and influence the demands of globalization that can not dammed the immigration problems need to change or revise the old law with reforms that can anticipate the likely impact of these developments. The demands of an increasingly global economy forward require all processes and procedures faster and shorter but still selective.(Sjahriful, 1993) To answer these challenges, need to device regulations interrelated synergized. The fact that so must be one of the considerations the issuance of Law No. 6 of 2011 on Immigration. With the issuance of the Act, the Act No. 9 of 1992 on Immigration and provisions related to it are no longer valid(Firmansyah, 2017).

Implementation of the monitoring carried out under the authority of the minister, as described in Article 66 of Law No. 6 of 2011 on Immigration. Foreigners do not comply with the legislation in force in Indonesia, can cause problems and may be subject to legal action in the form of Measures such investigations Criminal Law Immigration, The legal action in the form of state administrative immigration measures (Manan, 2000).

Based on the background described, the problems in this research are; How to administrative sanctions for foreigners who commit violations of the Immigration Regulations, according to Immigration Law No. 6 of 2011 Assessed from the State Administration Law? Any weakness Regulated Administrative Sanction Immigration Law No. 6 of 2011? How Administrative sanctions are ideal and should be regulated in Immigration Law No. 6 of 2011 for foreigners who violate the Immigration Regulations?

RESEARCH METHODS

In preparing the writing of this study, the approach to the problem that will be used is a normative juridical approach, the research used by examining the library materials or secondary data.(Roni Hanitjo Soemitro, 1982) Specifications in this research are descriptive. The meaning of descriptive is to describe the objects that are at issue, namely the judicial review application of administrative sanctions for foreigners under the Act No. 6 Year 2011 on Immigration and optimization of administrative sanction for foreigners under the Act No. 6 Year 2011 on Immigration in accordance with the theory of the State Administration Law and the real conditions in the field.

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Data used in the writing of this study comes from secondary data. Secondary data is basically normative data sourced primarily on legislation.(Royce Singleton, 1988) The normative data is generally in the form of the provisions of the legislation that became the benchmark applied. This research using document study by collecting the legislation relating to immigration, documents, data and other literature that has to do with the research conducted, as well as with interviews with competent resource persons.(Mamudji, 2004) Data analysis technique used in the writing of this study is qualitative data analysis techniques. In preparing the writing of this study is four (4) chapters, namely the introduction, literature review, the results of research and discussion, and cover.

RESULTS AND DISCUSSION

Administrative Sanctions for Foreigners Violation of Immigration Rules

Immigration, conceived as administrative action in accordance with Article 1 (31) of Law No. 6 of 2011 on Immigration, immigration administrative action is an administrative sanction immigration officers assigned to the strangers outside court procedures. Immigration Action measures in the form of administrative better known by administrative action on immigration(Waluyo, 2011). Immigration Administrativ Measures imposed to any stranger in Indonesia that: Allegedly dangerous activity or suspected to be harmful to the security.(Philipus Hadjon, Paulus Effendie Lotulung, H.M. Laica, 2010) Do not obey the laws in force. Immigration officials authorized to give administrative sanctions against foreigners residing in Indonesia, where citizens have been doing dangerous activities, or suspected of endangering the security and public order, or does not respect or do not comply with the legislation in force.(Marbun, 1997)

Forms of administrative sanctions which can be applied to foreigners under Article 75 paragraph (2) of Law No. 6 of 2011 on Immigration, among others, are:

a. Inclusion in the list of prevention or deterrence;
b. Restriction, alteration or cancellation of stay permit;
c. Prohibition to be in one or a few specific places in the region of Indonesia;
d. Requirement to reside at a certain place in Indonesia Territory;
e. The imposition of the burden of the cost; and / or
f. Deportation from the Territory of Indonesia.

Administrative sanction According to Law No. 6 of 2011 Concerning Immigration Assessed In the State Administrative Law As explained by J.B.J.M. ten Berge, "sanctions are at the core of administrative law enforcement, sanctions are necessary to ensure enforcement of administrative law", the Administrative Sanctions contained in Law No. 6 of 2011 on Immigration at the core enforcement of administrative rules in the field of immigration to crack down on violations of certain immigration rules conducted by Indonesian citizen or foreign citizen, and as discussed in this paper will discuss about foreign citizens (Ukun, 2003).

Administrative sanctions in accordance Immigration Law No. 6 of 2011 on Immigration can be studied types are evaluated from the perspective of the State Administration Law, the discussion in this paper the authors use the opinion of Philip M. Hadjon (Philipus Hadjon, Paulus Effendie Lotulung, H.M. Laica, 2010)and can classify the types and kinds of Administrative Sanctions Immigration according to the State Administration Law, as follows:

a. Inclusion into the Register prevention or deterrence

Sanctions inclusion in the Register prevention or deterrence can be classified as punitive sanctions because sanctions imposed against violators Alien immigration rules, particularly Article 75 paragraph 2, the sanction is a form of Bestuursdwang (government coercion) for violations of immigration rules committed by Foreigners.

b. Restrictions, changes or cancellations Residence Permit

This sanction is classified as a sanction Regressive as a consequence of the actions that have been given Foreigners Residence Permit in Indonesia, but did not carry out obligations under the applicable rules, is a form of Bestuursdwang (government coercion).

c. Prohibition to be in one or a few specific places in the Territory Indonesia

This sanction is more preventive visits from his goal to maintain stability and order in certain areas in the region of Indonesia, is a form of Bestuursdwang (government coercion).

d. Housed must to stay at a certain place in Indonesia Region

Requirement to reside at a certain place in the Region Indonesia is Bestuursdwang (coercion of government) imposed to Strangers avoid wider consequences due to actions that break the rules. These sanctions can be preventive as well as repressive may provide penalties for violators of the rules Foreigners and prevent any action against the rule again, so that sanctions can be classified as a punitive sanction.

e. Deportation from Indonesia Region

Bestuursdwang action (coercion of government) in the form of coercion to the Stranger to leave the territory of Indonesia because it was considered dangerous or reasonably suspected to disrupt peace, morals, or general welfare. It is included in punitive sanctions.

f. Expenses Charges

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The cost burden imposed on foreigners who stay exceeds a predetermined time limit, if the fee is not paid, the burden to Strangers may be subject to more severe sanctions. This is consistent with the nature of the Forced Money Imposing sanctions (Dwangsom).

The weakness of the administrative sanctions stipulated in Immigration Law No. 6 of 2011

Basic imposition of sanctions / measures Administrative process outlined in Article 5, paragraph 1 Emergency Law of the Republic of Indonesia Number 9 Year 1953 About Alien Control, which is then converted to the Article 42 of Law No. 9 of 1992 on Immigration, and updated on Article 75 paragraph 1 of Law No. 6 of 2011 Concerning Immigration always insist on "a dangerous activity and is suspected of endangering the security and public order or does not respect or do not obey the laws and regulations made by the Stranger",(Ridwan, 2017) while the language has a lot of interpretation, not measurable, even quite confusing to the size of an Article of Law State.

Other problems arise when the Stranger will apply/Administrative Measures Immigration. As stated in Law No. 6 of 2011, the form of administrative sanctions for foreigners consisted of: 1. the inclusion in the list of prevention or deterrence; 2. restrictions, change, or cancellation of stay permit; 3. The prohibition to be in one or a few specific places in the region of Indonesia; 4. The requirement to reside in a particular place in the region of Indonesia; 5. The imposition of the burden of the cost; and or 6. Deportation of Indonesian territory, it will arise the question "Foreigners who do what will be penalized / action with which?"

Basic obscurity Sanctions/Administrative Measures may impact on Immigration Foreigners who are subject to sanctions, they are the real victims. Strangers can fall victim to abuse of power or abuse of authority committed by immigration officers, while to be able to sue or file a complaint about the Administrative Sanction Decision, Stranger will have trouble.

Analysis of Article 83 and Article 119 of Law No. 6 of 2011 discovered overlapping sanctions for "Foreigners who enter and / or are in the Indonesian region that does not have a Travel Documents and Visa are legitimate and valid", as defined in Article 83 paragraph 1 for foreigners referred to may be subject to sanctions / measures Administrative Immigration form of having to reside at a certain place in the Indonesian region, in this case the placement in the immigration detention center, but in the criminal rules as described in Article 119 paragraph 1 for foreigners referred to may be subject to criminal sanctions in the form of imprisonment of five (5) years and a maximum fine of Rp 500,000,000.00 (five hundred million rupiah). It is certainly dangerous given a sanction that is in the Constitution must be regulated proportionately. Overlapping rules of administrative sanctions to criminal sanctions resulted Immigration Officer acts as an organ of government, when enforcing sanctions / measures Administrative Immigration will experience confusion.

Analyzing Sanctions/administrative actions as stipulated in Article 75 paragraph 2 of Law No. 6 of 2011 on Immigration, and given the development trend of violations committed stranger, the authors assume that the sanctions / measures Administrative Immigration can not accommodate the provision of appropriate sanctions and provide Foreigner's deterrent effect for offenders in Indonesia. Though the type of administrative sanctions/penalties should be a government-imposed potentially frightening and therefore is avoided by Foreign due to the imposition of these sanctions will mean a step to a more severe administrative sanctions are criminal sanctions.

Ideal Administrative Sanctions and must be regulated in the Immigration Law

Administrative Immigration Measures / Sanction in Indonesia compared to the Administrative Sanctions / Measures Immigration in other countrie. To be able to know the ideal formulation of administrative sanctions and the right run by the Board of Immigration Indonesia, need to know about the immigration system and administrative sanctions imposed in other countries.

The Malaysian government is still using the Immigration Act No. 155 1959-1963, in terms of setting administrative sanctions against foreign immigration, immigration law Malaysia regulate matters of administrative sanctions immigration, one of which is as follows:

32. Removal of illegal immigrants.

Any person who is convicted of an offense under sections 5, 6, 8 or 9 shall be liable to be removed from Malaysia by order of the Director General:

Provided that no citizen convicted of an offense under section 5 shall be ordered to be removed from Malaysia under this subsection.

Immigration law in Malaysia clearly outlines the administrative sanctions to be imposed against foreigners who commit certain violations, coupled with the rules of criminal sanctions will be imposed if a stranger who was sentenced to administrative sanctions against or not to implement the decision of the administrative sanctions.

Singapore government strives to maintain a balance in the multicultural country, while maintaining the security and sovereignty of the country. Singapore is currently the Law Immigration/Immigration Act Chapter 133 edition of 2008, by including administrative sanctions, one of them as follows:

Removal of prohibited immigrants from Singapore

31. (1) If during the examination of any person arriving in Singapore or after such inquiry as may be Necessary that person is found to be a prohibited immigrant, the Controller shall, subject to the provisions of the regulations, prohibit him from

disembarking or may, in his discretion, detain him at an immigration depot or other place designated by the Controller. (2) The person shall be liable to be removed from Singapore to his place of embarkation or to the country of his birth or citizenship or to any other port or place designated by the Controller.

(3) For the purposes of this Part, any reference to a person who has arrived in Singapore includes a reference to a person who has arrived but has not yet entered Singapore.

Singapore immigration law states clearly what actions can be considered to violate administrative rules and may be subject to administrative sanctions. In the system of the Singapore Immigration law firm set of administrative sanctions and caused a chain effect can be advanced to administrative sanctions or even criminal sanctions, so that sanctions can provide a deterrent effect. Singapore Immigration Act also set out clear authority possessed by an Immigration Officer to be able to freely enforce immigration rules, but still professional.

After discussing and outlining the elements contained in the Immigration Act of Malaysia and Singapore, which have proven effective are run in the country, the authors argue that sanctions/measures Administrative Immigration ideal for poured in legislation must meet several requirements, among other:

1. The sanctions/measures admnistratif immigration must be accompanied by a clear action basis, to conduct what may be penalized;
2. The form of sanction / administrative measures imposed must be clear;
3. Penalties/administrative measures which can be implemented not threatened with criminal penalties or other sanctions Administrative heavier;
4. Do not overlap with criminal sanctions or other rules;
5. Given a means of defense against foreigners being penalized / administrative action;
6. Given the clear authority of the officers authorized to carry out sanctions/administrative measures.

CONCLUSIONS

A. Conclusions

Based on the analysis and discussion, it can be concluded as follows:

Administrative sanctions as stipulated in Law No. 6 of 2011 on Immigration based on the theory advanced by JBJM ten Berge, namely, "sanctions are at the core of administrative law enforcement. Sanctions are necessary to ensure enforcement of administrative law ". While the types and kinds of administrative sanctions stipulated in Article 75 paragraph 2, Article 78, and Article 83 of Immigration Law No. 6 of 2011 to hold opinions from Philip M. Hadjon the form Bestuursdwang (government coercion), the withdrawal of the decision (provision) benefit, the imposition of administrative fines, and the imposition of money forced by the government (dwangsom).

Weakness Administrative Sanctions stipulated in Law No. 6 of 2011 on Immigration.

a. Basic Imposition of Sanctions/Immigration Administrative Measures to Strangers as described in Article 75 paragraph 1 of Law No. 6 of 2011 is still unclear.
b. Sanctions/Administrative Measures Immigration as stipulated in Law No. 6 of 2011 overlap with sanctions Pidana.Hal can potentially cause misinterpretation for executive officers.
c. Sanctions/Administrative Measures Immigration as stipulated in Law No. 6 of 2011 Number 6 of 2011 are still not able to accommodate sanctions for violations of Immigration is increasingly complex. This can be exploited by foreigners to commit offenses because they think immigration laws do not provide a deterrent effect.

Analysis of sanctions/measures Administrative Immigration in depth is required in order to formulate an ideal administrative sanction, one way is to to formulate the terms of sanctions/measures Administrative ideal Immigration, among other things:

a. Sanctions/administrative measures on immigration must be accompanied by a clear basic act, to act what can be penalized;
b. The form of sanction/administrative measures imposed must be clear;
c. Penalties/administrative measures which can be implemented not threatened with criminal penalties or other sanctions Administrative heavier;
d. Do not overlap with criminal sanctions or other rules;
e. Given a means of defense against foreigners being penalized/ administrative action;
f. Given the clear authority of the officers authorized to carry out sanctions/ administrative measures.

To be able to realize the application of sanctions / measures administrative immigration ideal and precise with no decrease or increase the content contained in Law No. 6 of 2011 on Immigration, the Immigration line is deemed necessary to specifically prepare derivative rule of law in the form of Regulation Minister, by formulating the terms of sanctions / measures Administrative Immigration ideal.

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Legal But Are They Accepted? The Psycho-Social Impact of Section 377 On The Lgbtqia+ Community: Pre And Post Abolishment in Delhi Ncr, India.

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ABSTRACT: Historical shreds of evidence show that the LGBTQIA+ community has been fighting for their basic rights for the longest time in India. A qualitative study was conducted to analyze experiences of different individuals belonging to the community living in Delhi NCR, India. Phenomenological approach was used to assess N=13 participants who were recruited using judgement purposive sampling and one-on-one interviews over Zoom were conducted with a semi-structured form of an interview which was developed involving questions around their challenges, the sociological impact, and their psychological journey. Thematic analysis was done and six key themes emerged- 1. No significant change in self-confidence and self-acceptance because of the abolishment 2. Fear of losing freedom and financial resources because of their identity 3. Greater acceptance from GenZ than any other generation 4. The law has changed but the perception and acceptance haven't 5. Although the media representation has increased, it isn't apt. 6. Need of established government policies for LGBTQIA+ community. Further studies on a larger scale will help us determine the issues faced by the community and ways to resolve them.

KEYWORDS: LGBTQIA+, India, Qualitative study, Delhi NCR, Section-377, Phenomenological Approach

INTRODUCTION

"Any discrimination on basis of sexual orientation amounts to [a] violation of fundamental rights" -Chief Justice Deepak Mishra
On September 6, 2018, The Supreme Court of India scrapped Section 377 of the India Penal Code, decriminalizing the 158-year-old colonial law which read:

"377. Unnatural offenses: Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine. Explanation: Penetration is sufficient to constitute the carnal intercourse necessary to the offense described in this section." (India Code)
A five-judge constitution bench headed by Chief Justice Dipak Mishra issued the verdict after hearing various stakeholders for four days, including gay rights activists.

The law violated a lot of rights including the right to privacy, right to equality, right to non-discrimination, right to life and liberty, and right to health. Although the law didn't use the word 'homosexual', the existence of the law, and the threat of possible punishment and arrest, allowed the authorities to use the law as a tool to harass, discriminate, and prosecute against homosexuals and organisations working with them. While this historic moment was marked the 'dawn of freedom', in reality, there is still a long way to go before the queer community in India can feel absolutely free.

Before the abolition, the queer community was 'illegal in their own country.' In a study by Rao et al., 2020, participants reported feeling pressured to conceal their sexual identity and expressed various concerns about being expressed as a 'criminal.' But, even today, the situation has not changed much; although 'legal' now, the community still faces a lot of challenges. It can be seen through various researches that there is still a lot of social stigmas attached, and the community still battles through discrimination and lack in the form of rights, healthcare needs, education, and job opportunities provided to them. This has led to them being more susceptible to mental health concerns including severe stress, anxiety, isolation, and depression. According to a study by (Bhattacharya & Ghosh, 2020), even today, the HKT (Hijras, Kothis, and Transgender) community irrespective of their gender identities have widespread mental health issues at a critical clinical level. In another study by Priya and Kumar (2020), it was investigated if discrimination and social exclusion of transgender people remain in the Indian public space after the legal recognition of Section 377. The method of Interpretative Phenomenological Approach was used to analyze the interviews of five transgender people from Jammu city. After analyzing selected transgender people, findings revealed that transgender people face social and economic exclusion on a daily basis as a result of their gender identity.

Legal But Are They Accepted? The Psycho-Social Impact of Section 377 On The Lgbtqia+ Community: Pre And Post Abolishment in Delhi Ncr, India.

HISTORICAL BACKGROUND

The concept of Homosexuality in India is not a new or a 'westernized' one. In ancient times, the transgender or the *Hijra* community were honored and revered and played important roles in many Hindu religious texts whether it be the Rigveda in 1500 BC or the Ramayana in 5114 BC, or Mahabharata in 3139 BC. During the Mughal Era, the *hijras* held important positions in the administration and court and had religious power and authority. However, as British Colonialism spread, these experiences began to lose their significance. As a part of Britain's efforts to impose and enforce their western ideas and beliefs on its biggest colony, Lord Macaulay authored the creation of Section 377 of the IPC in 1860.

Thus, the act of engaging in sexual activity with the same sex was considered 'unnatural', and if found was liable to imprisonment. But, according to researchers and advisors, including Petter Boeckman *"The premise is entirely wrong. Homosexuality is both common and highly essential in the lives of a number of species"* (News Medical, 2016) According to researches, homosexuality exists in at least 1500 species of animals, including the dwarf chimpanzees, humanity's closest relative, wherein the entire species is homosexual.

The struggle towards freedom

The question of the legality of Section 377 was first brought up by NGO Naaz Foundation, who in 2001 filed a petition before the Delhi High Court questioning and challenging the validity of the law as it violated the fundamental right to life and liberty, right to health, right to privacy and dignity, right to equality and freedom of expression. Thus, finally in 2009, the court read down portions of the law, as it was in violation of basic fundamental rights. Although the judgment was a big step towards sexuality rights, it was met by a lot of contempt. BJP leader Subramanian Swamy said that *"homosexuality is not a normal thing and is against Hindutva."*, while Baba Ramdev said that he *"could cure homosexuality through 'yoga' and it was a bad addiction."* (Times of India, 2018) Ultimately, various individuals and groups outright rejected the idea, and a number of appeals were filed to the Supreme Court to recriminalize homosexuality. On 11th December 2013, the apex court overturned the judgment on the basis that the LGBTQ constituted a 'minuscule minority.' There was a barrage of criticism for the regressive judgment as it erased the basic fundamental human rights of homosexuals. Consequently, India's public discourse about LGBT rights experienced an upsurge, with high profile names like Ritu Dalmia, dancer Navtej Singh Jihar coming ahead and filing the petition, and eventually turned into a movement that led to the decriminalization in a historic movement in 2018.

The battle against homophobia

Even today, more than 3 years later after the historic decriminalization of Section 377, the queer community is still fighting for equal rights and opportunities. Even today, a significant percentage of Indians view non-binary gender identity and queer sexual orientation as a 'Western phenomenon.' While there have been some progressive achievements such as when in June 2021, the Madras High Court banned the practice of 'conversion therapy' and recommended giving awareness training to police officers and government officials to ensure they respect LGBTQIA+ rights; sadly it is only limited, and the discrimination and homophobia among the society are still strong. This can be clearly seen when a consumer goods company Dabur retracted its advertisement showing a same-sex couple celebrating the Hindu festival Karwa Chauth after Madhya Pradesh Home Minister Narottam Mishra threatened legal action. Even today, there is a lack of official data sources about transgender communities; most continue to collect and publish data in a binary format, excluding transgender and intersex individuals. Because of lack of documentation, they don't have identity cards with their preferred name and gender identities and thus are often excluded from social security benefits. The LBGTQ community is still fighting for marriage rights, with the center arguing that *"same-sex marriage was not a part of Indian Culture or law."* This in turn results in a grave psychosocial impact on the community. Even after so many fights and struggles, even today, the community is battling to get societal acceptance and validation. Decriminalization is not Deregulation.

Therefore, this study aims to analyze the psycho-social impact of section 377 on the youth LBGTQIA+ community on different aspects such as self-acceptance, society's perception, the role of media and educational organization, and discrimination and harassment. Further, it aims to understand what more steps and social changes are required, as individuals, society, and government to create a more inclusive pro-LGBT environment.

OTHER STUDIES

In the sphere of LBGTQ and the impact of section 377, there aren't a lot of studies assessing the pre and post-impact of the section on the youth LBGT community. Although a few studies have been done on similar lines in other cities and age groups:

Sridhar and Jenifer (2019) undertook a study to understand the impact of Section 377 and related psychological issues of gay men in Chennai and Bangalore. The study uses a mix of qualitative and quantitative methods to understand the legal impact, psychosocial impact, and role of sexual identity in an individual's life process. The UCLA loneliness scale is used to measure the level of loneliness in the respondents. Findings indicate high levels of loneliness among the respondents and also, because of the

discrimination and marital pressure there is an impact on their mental and physical well-being, which affects their sense of belongingness, leading to depression, many of them even attempting self-harm and suicide.

METHOD

Phenomenological approach

We applied a phenomenological approach to understand the experiences of Indian individuals before and after the abolishment of the law. This law has restricted a lot of individuals from expressing who they really are and restricted people from discovering their own identity and sexuality. These experiences are something that may be the same or different for different people as living in the capital of the country and around might affect experiences differently. So the abolishment was considered as a phenomenon and the experiences and perspectives of the individuals were examined.

Population and Sample

The study sample included young adults from the age of 18-24 (N=13) students who are and have been a part of the LGBTQIA+ community since or before the abolishment. People belonging to Delhi NCR were interviewed in order to get the most accurate results in terms of the experiences of individuals living in a particular region. All of the individuals were college students and most of them knew about the existence of the law before it got abolished.

DATA COLLECTION

N=13 participants were selected using Judgement sampling. One-on-one interviews were conducted from 21st November 2021 to 2nd December 2021. Interviews took place online via Zoom and informed consent was taken prior to the interviews. Audio and video recording was done after taking both written and verbal consent of the participants both prior to and during the interview. A semi-structured form of the interview was developed with questions that revolved around the mental and social experiences & challenges of the participants, pre and post abolishment of Section-377 in India. The number of participants was halted after N=13 as there stood a saturation in the data collection.

ANALYSIS

A thematic analysis was done in order to assess and identify the recorded data into different themes. There was a line-by-line analysis of the data by listening and noting down the key points from each individual's recordings. The similar data or experiences found in each individual's recording produced a recurring pattern that produced certain themes. These themes were then identified and the participants were quoted accordingly in different ones which then produced the results.

RESULTS

N=13 individuals belonging to the LGBTQIA+ community were interviewed in-depth regarding their experiences pre and post abolishment of section-377. All of the participants belonged to Delhi NCR. Table 1 provides information on the participants regarding their age, gender, sexual orientation. Six key themes were identified from all the interviews. An analytical summary of each key theme is provided down below.

Table 1 showing the Age, Gender, and Sexual Orientation of all the participants

Pseudo-Synonym	Age	Gender	Sexual Orientation
1. Sammy	24	Female	Bisexual
2. Lacey	19	Female	Bisexual
3. Shanaya	19	Female	Bisexual
4. Zimbo	18	Female	Bisexual
5. X	21	Non-Binary	Pansexual
6. Veronica	19	Female	Bisexual
7. Samantha	24	Female	Pansexual

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8. Monica	19	Female	Bisexual
9. John	18	Non-Binary	Bisexual
10. Pam	19	Female	Bisexual
11. Alice	19	Female	Demisexual
12. Rachel	18	Female	Bisexual
13. Maisy	20	Female	Bisexual

No significant change in self-confidence and self-acceptance because of the abolishment
Around 70% of the participants admitted that although they are happy that they are legally allowed to be who they are, there is no significant increase in their confidence as there still exists a taboo around the subject and that there is still a fear of judgment which stops them from coming out to people.

'If I'm being honest, now I feel like I'm not doing justice to myself- I can be out, but I don't want to be; I feel like I'm lacking- and I know it's not a race, but it feels weird. And I know that the fear of judgment is stopping me, and sometimes I become sad- why am I afraid of what other people will say- and then it just becomes a whole internal debate. So, it does bring down my self-esteem when I think about it.' [P6]

'To be honest, no, I do not think that except my friends, everyone will be as accepting or as okay with me being a part of the community. I still feel like it will be scary, or something I should hide.' [P2]

Fear of losing freedom and financial resources because of their identity
Almost all participants acknowledged that one of the main reasons that they are not planning to come out to their parents or relatives until they start earning is because of the fear of their financial resources being taken away. Many expressed fear of abandonment and an impact on their immediate safe space. They were afraid that coming out to their parents would lead to feuds and conflicts and also cost their freedom, and financial resources being taken away.
'Yes, there definitely is that fear. So, I'm not going to tell them until I become financially independent. I don't know if they will take care of my finances if I come out. That is one of the main concerns I have, and that is why I haven't come out to them or any relatives as of yet.' [P5]

'So, I know if I come out to them, they wouldn't abandon me, but they would force me to accept that I'm straight. They would sit down with me, and make me cry, or beat it out of me, and make me say that I do not belong to the community, because I don't think they would be able to handle the label of their daughter being something which is not 'straight.' They would firstly impact my immediate safe space either physically, or verbally or mentally, and then also keep a close eye on me, and might restrict my freedom. They won't impact my education, because they know that I will obviously fight for it. But, I don't think it's about me- it's about them, and if I were to force them to accept, they might even get down to abuse.' [P6]

'My parents are very homophobic and I'm sure that they won't take it well so I haven't told them yet. They might even disown me so I am waiting to get done with college and then tell them.' [P9]

'Yes, when I was in college, it was a definite fear and it played heavily on why I didn't have any conversations with them. I have been working for two years and have my own economic resources so they don't have much control over it now and have lost the control so I don't have any fear of abandonment or loss of financial resources now.' [P7]

Greater acceptance from GenZ than any other generation
There is a huge generational gap when it comes to the acceptance of the LBGTQ community. According to the participants, today's youth or Gen Z is much more accepting and open to conversations than the older generations. Almost all participants admitted that they had an easier time coming out to their friends and peers, in contrast to their parents, grandparents, relatives, teachers, etc where the participants feared judgment and punishment.

'What I have seen is my parents and everybody above them is generally non-accepting. I have seen it in their behavior, it might be my relatives, strangers, my friend's parents- that whole generation seems very homophobic and problematic to me. And this is probably because they grew up as people who learned that this was a 'strict no', whereas our generation is at least tilted towards a

maybe. So, also in the coming time, I do think that the next generation will be a complete yes, where the community will be completely accepted. This is probably why I feel safer coming out to people my age, or younger than me.' [P6]

'Even if you think that the generation before will understand - they will understand only to an extent because they have been raised with this thought process' [P2]

'We can actually unlearn a lot of things at our age but people who are from older generation won't understand at this point of time, and probably still have this homophobia in their heads that's not gonna change any time soon [P1]

The law has changed but the perception and acceptance haven't.
After years of fighting for basic rights, section 377 has been abolished but the perception of people hasn't changed. Many participants stated that they felt that the acceptance in India has not been in congruence with the law. There is definitely a lack of acceptance still even after the decriminalization of section 377 and the perception of the general population of the LGBTQIA+ community is still something to be worked on.

'Yes, definitely. Even though the law might have changed overnight, the reason why so many people including my friends are not coming out is solely because of one reason i.e. the people haven't changed. The abolishment was a huge step, but there is still a lot of room for improvement obviously. People's perception is only stopping the LGBTQ from coming out.' [P6]
'It's the law that has changed but the enforcers and the people around it have been the same. It's like backhanded comments - they are not out in the open as much, but it's like underneath you can hear it.' [P3]

'Yes, I absolutely do. The law has just been decriminalized, it has done nothing for positive acceptance. If I talk about the general population, the reach hasn't happened, and because of that, there is a need to work at the grassroots level. We have a lot of work to do, not only on acceptance but also on laws like adoption and marriage.' [P5]

Although the media representation has increased, it isn't apt.
The media has played a huge role in portraying the LGBTQIA+ community in many different ways. Participants expressed their opinions about media which included Social Media like Instagram, and also print media such as Bollywood, TV series, and news, etc. According to the participants, although both social and print media have been trying and taking steps towards normalizing conversations around LGBT, most of them fail to post correct information, and they're still movies coming in which are very offensive. All of them admitted that there is a need for better representation.

'We might have seen some more representation of the LGBT community in shows and it is definitely good. But we need more appropriate representation because in many shows we see people playing LGBT characters but the representation is not right.' [P9]

'In a lot of ways, yes. But as many as there are pro LGBT, there are also those who are against it. If we talk about social media, there is definitely more awareness- people are more aware of pronouns, which is great. But there is an equal number of people saying stuff about pronouns and saying they are grammatically incorrect. There is incorrect information, but at least people are learning. Also, there used to be so many films where there are these hyperfeminine male characters who are supposed to be gay. But I think that is where cancel culture comes into play- now they don't have the audacity to put that. Like take Dostana, it is a really funny movie, but it is really homophobic and offensive as well.' [P4]

"I feel that it is a good thing that Bollywood movies portray this community but on the other hand they show it in a very stereotypical way" [P10]

'Honestly, the commercial seems kind of forced. All the companies and groups just put the ads, and the pictures, and the slogans- just for the show, they just want to appeal to the community. They just want to make sure that they're putting something in for the sake of it. Even the movies and shows which are coming out are still so offensive- I think if they're trying they should at least do it accurately. What I feel is now that the law is decriminalized, the media is trying- but they are trying from the same mindset, which makes everything clash, and it comes out in an ugly way. If you see the trailers of Laxmi, it is very offensive. But on the other hand, a lot of pages have come up, and have created an accepting community to come out to people, to be who they are and dress how they want.' [P6]

Need for established government policies for the LGBTQIA+ community
According to the participants, the abolishment was the first step; there are still a lot of stigmas and a lack of acceptance. The community still lacks basic rights like the option to marry, adopt, etc. The government really needs to step up and provide basic rights and policies to the LBGTQIA+ community. Participants conveyed their opinion regarding the necessity of these laws for the community to feel more protected and safe in India.

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'Change the laws- not only for the LGBTQ but also for everyone. Give us adoption and marriage rights. Give us equal opportunities in terms of jobs etc- there is a need for openness and movements and open campaigns. Also, make unisex uniforms. Obviously, uniforms are important and necessary, but you don't have to divide people into a binary of male and female, and they can just be themselves even if they have to wear uniforms. [P5]

"Legalise marriage. It's so messed up that two people who love each other can't marry because they have the same sex organs, but random strangers can be paired up together in the name of arranged marriage. That is legal, and a trend in our country. It's like even if we did, we don't have the choice to get married. We don't have that option. Also, we don't have sex education in our country. We need to educate people about what gender identity is, what sexual orientation is. It's not like a lot of people don't want to understand it, but they have a hard time comprehending the concept of nonbinary. It's not that they are prejudiced, but they genuinely don't understand because they are conditioned in a certain way. Because all their life they have been taught that there are two genders. Most homophobes aren't homophobes, they just don't understand what it is about" [P4]

'Have a person from our community in the parliament. Just like women have reservations in the parliament, and Lok Sabha, we can too. If our community is represented more on the political front, people would be kind of forced to accept it- they wouldn't be able to discriminate as much against them. The government can always, always do more. We really need the government to step in and support our community more.' [P11]

DISCUSSION

The present study was conducted in order to understand the psychosocial impact of section 377, pre and post abolishment on the youth LGBTQIA+ community in India. It was aimed to understand the psycho-social impact on the community on different aspects such as self-acceptance, society's perception, the role of media and educational organizations, and discrimination and harassment. It was found that most of the participants did not know about the existence before the decriminalization, and 'were shocked at the absurdity that the law existed in the first place.' Findings also revealed that 11 out of 13 participants came out to their friends for the first time, and hadn't yet opened up about their identity to their parents because of fear of judgment and abandonment. On the basis of this, six key themes were identified which elaborated on the experiences and unique individual perspectives pre and post abolishment of the section. These included the sociological challenges that the youth has to face on a day-to-day basis from society, friends, and their own families. These themes explain us a lot more about the hurdles that the people from the community have to pass through on a daily basis and how hard their life becomes at times. The social impact becomes quite heavy which also at the same time impacts the psychological state of an individual. These themes are important to note if we want to understand the world from the perspectives of the individuals who belong to the community.

A pattern that was identified revealed that although they were happy about the law being decriminalized, there was no report of any significant or big change in the level of confidence because of the law. 70% of the participants admitted that there is a fear of judgment with coming out which affects their self-esteem. Secondly, due to the lack of knowledge or the conditioning of the non-acceptance of LGBTQ in Generation Y (between 25 and 40 years old), many participants also conveyed how they fear being disowned and judged and even abused or having their financial resources taken away. This is one of the major reasons the participants felt more comfortable coming out to their friends and peers, rather than their parents at least till they start earning and are financially independent. Previous studies have also mentioned that family members' initial reactions to their children's coming out or discovering their orientation include disappointment, disapproval, disbelief, rejection, hatred, and even violence. (Ranade et al., 2016) This can disturb the child, cause stress, and stop them from opening up. A few participants mentioned that although the abolishment had not had any impact on their mental health per se, family members, relatives, and strangers' comments did impact their mental health negatively. While some of them explained how being a part of the community has impacted their mental health more negatively. *"As soon as I come out to somebody, their respect for me goes down… initially it was a very rough and rocky ride for me, I pushed it down a lot because of my conditioning which led to a lot of denials and low esteem."* Many mentioned how their friends also stereotype them in a sexual and negative way when they try to build friendships and relationships with people. A study by Tomori et al., (2016) tried to understand the correlation of depression and 11,992 MSM (Men who have sex with men) in 12 different cities through quantitative survey and with 363 MSM in 15 different cities through qualitative methods. It revealed that the prevalence of depression is 11% with substantial variation across sites and subgroups of MSM and there was a high prevalence of suicide rates among the MSM who were depressed. These types of studies indicate the impact of lack of knowledge and acceptance on the mental health of individuals. Another key theme that was noted is that although the media representation has increased after the abolishment it is still lacking in many ways. The media representation still needs a lot of work to overcome the bridges between the general population and their knowledge about the LGBTQIA+ community. Lastly, there is a need for established government laws for the community which would make the community feel more accepted and safe. The abolishment was just the first step, there are still a lot of laws such as that of marriage and adoption which need to be implemented. An article by Knight

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(2019) sheds light upon the need for more government policies for the LGBTQ community. UNESCO found that in many different parts of the countries education and training are denied to the LGBTQ community and are bullied and harassed. Government should implement elements like gender-neutral uniforms, increase the number of accessible toilets and eradicate the difficulties that occur in obtaining accurate identity documents as barriers for LGBT students and update the curriculum of sex education in textbooks. These themes definitely provide a lot of knowledge and perspective into a whole different world which cannot be seen through a straight individual's eye. While it is important that the first step of identifying the social and psychological impact is done, it is also important to contribute in finding solutions and ways to tackle these problems.

CONCLUSION

The present study helped us understand the many different and unique perspectives of individuals regarding the abolishment of the section. It was found that although progressive steps have been taken, there is still a lack of acceptance and awareness. Today, in India, it is really important for us as individuals, society, and government to take initiatives to educate people on different sexualities and genders and create a pro-LGBTQ environment. Even though we definitely have progressed a lot as a nation in the past 10 decades, we still have a long way to go. Awareness and education are the key aspects which we need to work on and inculcate different genders, sexes, and sexuality in children's curriculum so that from a very young age they don't differentiate between what is 'normal' and what is 'abnormal'. There were certain limitations recognized in this study. Firstly, 10 out of 13 participants identified as bisexuals which restricted our exploration throughout different sexual orientations and most of them identified as females. Secondly, since many of them were in their early teens when the law was abolished, they did not know about the existence of the law before its abolishment which may have had an impact on their perspectives and experiences. Lastly, most of the participants had not come out before the law was abolished which couldn't determine their experiences before the abolishment. Further studies on sexuality, on a larger scale, can help us understand the impact of the section and the consideration of religion and races would be a great contribution to this existing paper and different religious and racial issues do occur in congruence with sexuality issues in the society which is worth studying in a country which is secular and allows the existence of many different nations which is an advantage but also sometimes also create a barrier on the thinking about certain social issues as different groups of people have different mindsets. So studies on a larger scale would definitely be a help in understanding these issues better so that we know how to tackle them and solve them which would bring us a step closer to real progress.

Data Availability

Interview transcripts are not publicly available to ensure confidentiality and so that participants are not identifiable according to the informed consent. A table persisting of all the information has been added.

Conflict of Interest

No potential conflict of interest was reported by the author(s).

Ethical Section

Ethical committee approval was not needed as this study doesn't involve any intervention. Informed consent, confidentiality and privacy was adhered to throughout the process.

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Informed consent

All individuals involved in this study had consented to participate, get themselves recorded via audio and video, and for their anonymous quotations to be used from the interview in the study.

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Legal But are they Accepted? The Psycho-Social Impact of Section 377 on the Lgbtqia+ Community: Pre and Post Abolishment in Delhi NCR, India

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ABSTRACT: Historical shreds of evidence show that the LGBTQIA+ community has been fighting for their basic rights for the longest time in India. A qualitative study was conducted to analyze experiences of different individuals belonging to the community living in Delhi NCR, India. Phenomenological approach was used to assess N=13 participants who were recruited using judgement purposive sampling and one-on-one interviews over Zoom were conducted with a semi-structured form of an interview which was developed involving questions around their challenges, the sociological impact, and their psychological journey. Thematic analysis was done and six key themes emerged- 1. No significant change in self-confidence and self-acceptance because of the abolishment 2. Fear of losing freedom and financial resources because of their identity 3. Greater acceptance from GenZ than any other generation 4. The law has changed but the perception and acceptance haven't 5. Although the media representation has increased, it isn't apt. 6. Need of established government policies for LGBTQIA+ community. Further studies on a larger scale will help us determine the issues faced by the community and ways to resolve them.

KEYWORDS: LGBTQIA+, India, Qualitative study, Delhi NCR, Section-377, Phenomenological Approach

INTRODUCTION

"Any discrimination on basis of sexual orientation amounts to [a] violation of fundamental rights" -Chief Justice Deepak Mishra
On September 6, 2018, The Supreme Court of India scrapped Section 377 of the India Penal Code, decriminalizing the 158-year-old colonial law which read:
"377. Unnatural offenses: Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine. Explanation: Penetration is sufficient to constitute the carnal intercourse necessary to the offense described in this section." (India Code)
A five-judge constitution bench headed by Chief Justice Dipak Mishra issued the verdict after hearing various stakeholders for four days, including gay rights activists.

The law violated a lot of rights including the right to privacy, right to equality, right to non-discrimination, right to life and liberty, and right to health. Although the law didn't use the word 'homosexual', the existence of the law, and the threat of possible punishment and arrest, allowed the authorities to use the law as a tool to harass, discriminate, and prosecute against homosexuals and organisations working with them. While this historic moment was marked the 'dawn of freedom', in reality, there is still a long way to go before the queer community in India can feel absolutely free.

Before the abolition, the queer community was 'illegal in their own country.' In a study by Rao et al., 2020, participants reported feeling pressured to conceal their sexual identity and expressed various concerns about being expressed as a 'criminal.' But, even today, the situation has not changed much; although 'legal' now, the community still faces a lot of challenges. It can be seen through various researches that there is still a lot of social stigmas attached, and the community still battles through discrimination and lack in the form of rights, healthcare needs, education, and job opportunities provided to them. This has led to them being more susceptible to mental health concerns including severe stress, anxiety, isolation, and depression. According to a study by (Bhattacharya & Ghosh, 2020), even today, the HKT (Hijras, Kothis, and Transgender) community irrespective of their gender identities have widespread mental health issues at a critical clinical level. In another study by Priya and Kumar (2020), it was investigated if discrimination and social exclusion of transgender people remain in the Indian public space after the legal recognition of Section 377. The method of Interpretative Phenomenological Approach was used to analyze the interviews of five transgender people from Jammu city. After analyzing selected transgender people, findings revealed that transgender people face social and economic exclusion on a daily basis as a result of their gender identity.

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HISTORICAL BACKGROUND

The concept of Homosexuality in India is not a new or a 'westernized' one. In ancient times, the transgender or the *Hijra* community were honored and revered and played important roles in many Hindu religious texts whether it be the Rigveda in 1500 BC or the Ramayana in 5114 BC, or Mahabharata in 3139 BC. During the Mughal Era, the *hijras* held important positions in the administration and court and had religious power and authority. However, as British Colonialism spread, these experiences began to lose their significance. As a part of Britain's efforts to impose and enforce their western ideas and beliefs on its biggest colony, Lord Macaulay authored the creation of Section 377 of the IPC in 1860.

Thus, the act of engaging in sexual activity with the same sex was considered 'unnatural', and if found was liable to imprisonment. But, according to researchers and advisors, including Petter Boeckman *"The premise is entirely wrong. Homosexuality is both common and highly essential in the lives of a number of species"* (News Medical, 2016) According to researches, homosexuality exists in at least 1500 species of animals, including the dwarf chimpanzees, humanity's closest relative, wherein the entire species is homosexual.

The struggle towards freedom

The question of the legality of Section 377 was first brought up by NGO Naaz Foundation, who in 2001 filed a petition before the Delhi High Court questioning and challenging the validity of the law as it violated the fundamental right to life and liberty, right to health, right to privacy and dignity, right to equality and freedom of expression. Thus, finally in 2009, the court read down portions of the law, as it was in violation of basic fundamental rights. Although the judgment was a big step towards sexuality rights, it was met by a lot of contempt. BJP leader Subramanian Swamy said that *"homosexuality is not a normal thing and is against Hindutva."*, while Baba Ramdev said that he *"could cure homosexuality through 'yoga' and it was a bad addiction."* (Times of India, 2018)

Ultimately, various individuals and groups outright rejected the idea, and a number of appeals were filed to the Supreme Court to recriminalize homosexuality. On 11th December 2013, the apex court overturned the judgment on the basis that the LGBTQ constituted a 'minuscule minority.' There was a barrage of criticism for the regressive judgment as it erased the basic fundamental human rights of homosexuals. Consequently, India's public discourse about LGBT rights experienced an upsurge, with high profile names like Ritu Dalmia, dancer Navtej Singh Jihar coming ahead and filing the petition, and eventually turned into a movement that led to the decriminalization in a historic movement in 2018.

The battle against homophobia

Even today, more than 3 years later after the historic decriminalization of Section 377, the queer community is still fighting for equal rights and opportunities. Even today, a significant percentage of Indians view non-binary gender identity and queer sexual orientation as a 'Western phenomenon.' While there have been some progressive achievements such as when in June 2021, the Madras High Court banned the practice of 'conversion therapy' and recommended giving awareness training to police officers and government officials to ensure they respect LGBTQIA+ rights; sadly it is only limited, and the discrimination and homophobia among the society are still strong. This can be clearly seen when a consumer goods company Dabur retracted its advertisement showing a same-sex couple celebrating the Hindu festival Karwa Chauth after Madhya Pradesh Home Minister Narottam Mishra threatened legal action. Even today, there is a lack of official data sources about transgender communities; most continue to collect and publish data in a binary format, excluding transgender and intersex individuals. Because of lack of documentation, they don't have identity cards with their preferred name and gender identities and thus are often excluded from social security benefits. The LBGTQ community is still fighting for marriage rights, with the center arguing that *"same-sex marriage was not a part of Indian Culture or law."* This in turn results in a grave psychosocial impact on the community. Even after so many fights and struggles, even today, the community is battling to get societal acceptance and validation. Decriminalization is not Deregulation.

Therefore, this study aims to analyze the psycho-social impact of section 377 on the youth LBGTQIA+ community on different aspects such as self-acceptance, society's perception, the role of media and educational organization, and discrimination and harassment. Further, it aims to understand what more steps and social changes are required, as individuals, society, and government to create a more inclusive pro-LGBT environment.

OTHER STUDIES

In the sphere of LBGTQ and the impact of section 377, there aren't a lot of studies assessing the pre and post-impact of the section on the youth LBGT community. Although a few studies have been done on similar lines in other cities and age groups:

Sridhar and Jenifer (2019) undertook a study to understand the impact of Section 377 and related psychological issues of gay men in Chennai and Bangalore. The study uses a mix of qualitative and quantitative methods to understand the legal impact, psychosocial impact, and role of sexual identity in an individual's life process. The UCLA loneliness scale is used to measure the level of loneliness in the respondents. Findings indicate high levels of loneliness among the respondents and also, because of the discrimination and marital pressure there is an impact on their mental and physical well-being, which affects their sense of belongingness, leading to depression, many of them even attempting self-harm and suicide.

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METHOD

Phenomenological approach

We applied a phenomenological approach to understand the experiences of Indian individuals before and after the abolishment of the law. This law has restricted a lot of individuals from expressing who they really are and restricted people from discovering their own identity and sexuality. These experiences are something that may be the same or different for different people as living in the capital of the country and around might affect experiences differently. So the abolishment was considered as a phenomenon and the experiences and perspectives of the individuals were examined.

Population and Sample

The study sample included young adults from the age of 18-24 (N=13) students who are and have been a part of the LGBTQIA+ community since or before the abolishment. People belonging to Delhi NCR were interviewed in order to get the most accurate results in terms of the experiences of individuals living in a particular region. All of the individuals were college students and most of them knew about the existence of the law before it got abolished.

DATA COLLECTION

N=13 participants were selected using Judgement sampling. One-on-one interviews were conducted from 21st November 2021 to 2nd December 2021. Interviews took place online via Zoom and informed consent was taken prior to the interviews. Audio and video recording was done after taking both written and verbal consent of the participants both prior to and during the interview. A semi-structured form of the interview was developed with questions that revolved around the mental and social experiences & challenges of the participants, pre and post abolishment of Section-377 in India. The number of participants was halted after N=13 as there stood a saturation in the data collection.

ANALYSIS

A thematic analysis was done in order to assess and identify the recorded data into different themes. There was a line-by-line analysis of the data by listening and noting down the key points from each individual's recordings. The similar data or experiences found in each individual's recording produced a recurring pattern that produced certain themes. These themes were then identified and the participants were quoted accordingly in different ones which then produced the results.

RESULTS

N=13 individuals belonging to the LGBTQIA+ community were interviewed in-depth regarding their experiences pre and post abolishment of section-377. All of the participants belonged to Delhi NCR. Table 1 provides information on the participants regarding their age, gender, sexual orientation. Six key themes were identified from all the interviews. An analytical summary of each key theme is provided down below.

Table 1 showing the Age, Gender, and Sexual Orientation of all the participants

Pseudo-Synonym	Age	Gender	Sexual Orientation
1. Sammy	24	Female	Bisexual
2. Lacey	19	Female	Bisexual
3. Shanaya	19	Female	Bisexual
4. Zimbo	18	Female	Bisexual
5. X	21	Non-Binary	Pansexual
6. Veronica	19	Female	Bisexual
7. Samantha	24	Female	Pansexual
8. Monica	19	Female	Bisexual
9. John	18	Non-Binary	Bisexual

10. Pam	19	Female	Bisexual
11. Alice	19	Female	Demisexual
12. Rachel	18	Female	Bisexual
13. Maisy	20	Female	Bisexual

No significant change in self-confidence and self-acceptance because of the abolishment
Around 70% of the participants admitted that although they are happy that they are legally allowed to be who they are, there is no significant increase in their confidence as there still exists a taboo around the subject and that there is still a fear of judgment which stops them from coming out to people.

'If I'm being honest, now I feel like I'm not doing justice to myself- I can be out, but I don't want to be; I feel like I'm lacking- and I know it's not a race, but it feels weird. And I know that the fear of judgment is stopping me, and sometimes I become sad- why am I afraid of what other people will say- and then it just becomes a whole internal debate. So, it does bring down my self-esteem when I think about it.' [P6]

'To be honest, no, I do not think that except my friends, everyone will be as accepting or as okay with me being a part of the community. I still feel like it will be scary, or something I should hide.' [P2]

Fear of losing freedom and financial resources because of their identity
Almost all participants acknowledged that one of the main reasons that they are not planning to come out to their parents or relatives until they start earning is because of the fear of their financial resources being taken away. Many expressed fear of abandonment and an impact on their immediate safe space. They were afraid that coming out to their parents would lead to feuds and conflicts and also cost their freedom, and financial resources being taken away.
'Yes, there definitely is that fear. So, I'm not going to tell them until I become financially independent. I don't know if they will take care of my finances if I come out. That is one of the main concerns I have, and that is why I haven't come out to them or any relatives as of yet.' [P5]

'So, I know if I come out to them, they wouldn't abandon me, but they would force me to accept that I'm straight. They would sit down with me, and make me cry, or beat it out of me, and make me say that I do not belong to the community, because I don't think they would be able to handle the label of their daughter being something which is not 'straight.' They would firstly impact my immediate safe space either physically, or verbally or mentally, and then also keep a close eye on me, and might restrict my freedom. They won't impact my education, because they know that I will obviously fight for it. But, I don't think it's about me- it's about them, and if I were to force them to accept, they might even get down to abuse.' [P6]

'My parents are very homophobic and I'm sure that they won't take it well so I haven't told them yet. They might even disown me so I am waiting to get done with college and then tell them.' [P9]

'Yes, when I was in college, it was a definite fear and it played heavily on why I didn't have any conversations with them. I have been working for two years and have my own economic resources so they don't have much control over it now and have lost the control so I don't have any fear of abandonment or loss of financial resources now.' [P7]

Greater acceptance from GenZ than any other generation
There is a huge generational gap when it comes to the acceptance of the LBGTQ community. According to the participants, today's youth or Gen Z is much more accepting and open to conversations than the older generations. Almost all participants admitted that they had an easier time coming out to their friends and peers, in contrast to their parents, grandparents, relatives, teachers, etc where the participants feared judgment and punishment.

'What I have seen is my parents and everybody above them is generally non-accepting. I have seen it in their behavior, it might be my relatives, strangers, my friend's parents- that whole generation seems very homophobic and problematic to me. And this is probably because they grew up as people who learned that this was a 'strict no', whereas our generation is at least tilted towards a maybe. So, also in the coming time, I do think that the next generation will be a complete yes, where the community will be completely accepted. This is probably why I feel safer coming out to people my age, or younger than me.' [P6]

'Even if you think that the generation before will understand - they will understand only to an extent because they have been raised with this thought process' [P2]

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'We can actually unlearn a lot of things at our age but people who are from older generation won't understand at this point of time, and probably still have this homophobia in their heads that's not gonna change any time soon [P1]

The law has changed but the perception and acceptance haven't.

After years of fighting for basic rights, section 377 has been abolished but the perception of people hasn't changed. Many participants stated that they felt that the acceptance in India has not been in congruence with the law. There is definitely a lack of acceptance still even after the decriminalization of section 377 and the perception of the general population of the LGBTQIA+ community is still something to be worked on.

'Yes, definitely. Even though the law might have changed overnight, the reason why so many people including my friends are not coming out is solely because of one reason i.e. the people haven't changed. The abolishment was a huge step, but there is still a lot of room for improvement obviously. People's perception is only stopping the LGBTQ from coming out.' [P6]

'It's the law that has changed but the enforcers and the people around it have been the same. It's like backhanded comments - they are not out in the open as much, but it's like underneath you can hear it.' [P3]

'Yes, I absolutely do. The law has just been decriminalized, it has done nothing for positive acceptance. If I talk about the general population, the reach hasn't happened, and because of that, there is a need to work at the grassroots level. We have a lot of work to do, not only on acceptance but also on laws like adoption and marriage.' [P5]

Although the media representation has increased, it isn't apt.

The media has played a huge role in portraying the LGBTQIA+ community in many different ways. Participants expressed their opinions about media which included Social Media like Instagram, and also print media such as Bollywood, TV series, and news, etc. According to the participants, although both social and print media have been trying and taking steps towards normalizing conversations around LGBT, most of them fail to post correct information, and they're still movies coming in which are very offensive. All of them admitted that there is a need for better representation.

'We might have seen some more representation of the LGBT community in shows and it is definitely good. But we need more appropriate representation because in many shows we see people playing LGBT characters but the representation is not right.' [P9]

'In a lot of ways, yes. But as many as there are pro LGBT, there are also those who are against it. If we talk about social media, there is definitely more awareness- people are more aware of pronouns, which is great. But there is an equal number of people saying stuff about pronouns and saying they are grammatically incorrect. There is incorrect information, but at least people are learning. Also, there used to be so many films where there are these hyperfeminine male characters who are supposed to be gay. But I think that is where cancel culture comes into play- now they don't have the audacity to put that. Like take Dostana, it is a really funny movie, but it is really homophobic and offensive as well.' [P4]

"I feel that it is a good thing that Bollywood movies portray this community but on the other hand they show it in a very stereotypical way" [P10]

*'Honestly, the commercial seems kind of forced. All the companies and groups just put the ads, and the pictures, and the slogans- just for the show, they just want to appeal to the community. They just want to make sure that they're putting something in for the sake of it. Even the movies and shows which are coming out are still so offensive- I think if they're trying they should at least do it accurately. What I feel is now that the law is decriminalized, the media is trying- but they are trying from the same mindset, which makes everything clash, and it comes out in an ugly way. If you see the trailers of Laxmi, it is very offensive.
But on the other hand, a lot of pages have come up, and have created an accepting community to come out to people, to be who they are and dress how they want.'* [P6]

Need for established government policies for the LGBTQIA+ community

According to the participants, the abolishment was the first step; there are still a lot of stigmas and a lack of acceptance. The community still lacks basic rights like the option to marry, adopt, etc. The government really needs to step up and provide basic rights and policies to the LBGTQIA+ community. Participants conveyed their opinion regarding the necessity of these laws for the community to feel more protected and safe in India.

'Change the laws- not only for the LGBTQ but also for everyone. Give us adoption and marriage rights. Give us equal opportunities in terms of jobs etc- there is a need for openness and movements and open campaigns. Also, make unisex uniforms. Obviously, uniforms are important and necessary, but you don't have to divide people into a binary of male and female, and they can just be themselves even if they have to wear uniforms. [P5]

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"Legalise marriage. It's so messed up that two people who love each other can't marry because they have the same sex organs, but random strangers can be paired up together in the name of arranged marriage. That is legal, and a trend in our country. It's like even if we did, we don't have the choice to get married. We don't have that option. Also, we don't have sex education in our country. We need to educate people about what gender identity is, what sexual orientation is. It's not like a lot of people don't want to understand it, but they have a hard time comprehending the concept of nonbinary. It's not that they are prejudiced, but they genuinely don't understand because they are conditioned in a certain way. Because all their life they have been taught that there are two genders. Most homophobes aren't homophobes, they just don't understand what it is about" [P4]

'Have a person from our community in the parliament. Just like women have reservations in the parliament, and Lok Sabha, we can too. If our community is represented more on the political front, people would be kind of forced to accept it- they wouldn't be able to discriminate as much against them. The government can always, always do more. We really need the government to step in and support our community more.' [P11]

DISCUSSION

The present study was conducted in order to understand the psychosocial impact of section 377, pre and post abolishment on the youth LGBTQIA+ community in India. It was aimed to understand the psycho-social impact on the community on different aspects such as self-acceptance, society's perception, the role of media and educational organizations, and discrimination and harassment. It was found that most of the participants did not know about the existence before the decriminalization, and 'were shocked at the absurdity that the law existed in the first place.' Findings also revealed that 11 out of 13 participants came out to their friends for the first time, and hadn't yet opened up about their identity to their parents because of fear of judgment and abandonment. On the basis of this, six key themes were identified which elaborated on the experiences and unique individual perspectives pre and post abolishment of the section. These included the sociological challenges that the youth has to face on a day-to-day basis from society, friends, and their own families. These themes explain us a lot more about the hurdles that the people from the community have to pass through on a daily basis and how hard their life becomes at times. The social impact becomes quite heavy which also at the same time impacts the psychological state of an individual. These themes are important to note if we want to understand the world from the perspectives of the individuals who belong to the community.

A pattern that was identified revealed that although they were happy about the law being decriminalized, there was no report of any significant or big change in the level of confidence because of the law. 70% of the participants admitted that there is a fear of judgment with coming out which affects their self-esteem. Secondly, due to the lack of knowledge or the conditioning of the non-acceptance of LGBTQ in Generation Y (between 25 and 40 years old), many participants also conveyed how they fear being disowned and judged and even abused or having their financial resources taken away. This is one of the major reasons the participants felt more comfortable coming out to their friends and peers, rather than their parents at least till they start earning and are financially independent. Previous studies have also mentioned that family members' initial reactions to their children's coming out or discovering their orientation include disappointment, disapproval, disbelief, rejection, hatred, and even violence. (Ranade et al., 2016) This can disturb the child, cause stress, and stop them from opening up. A few participants mentioned that although the abolishment had not had any impact on their mental health per se, family members, relatives, and strangers' comments did impact their mental health negatively. While some of them explained how being a part of the community has impacted their mental health more negatively. *"As soon as I come out to somebody, their respect for me goes down… initially it was a very rough and rocky ride for me, I pushed it down a lot because of my conditioning which led to a lot of denials and low esteem."* Many mentioned how their friends also stereotype them in a sexual and negative way when they try to build friendships and relationships with people. A study by Tomori et al., (2016) tried to understand the correlation of depression and 11,992 MSM (Men who have sex with men) in 12 different cities through quantitative survey and with 363 MSM in 15 different cities through qualitative methods. It revealed that the prevalence of depression is 11% with substantial variation across sites and subgroups of MSM and there was a high prevalence of suicide rates among the MSM who were depressed. These types of studies indicate the impact of lack of knowledge and acceptance on the mental health of individuals. Another key theme that was noted is that although the media representation has increased after the abolishment it is still lacking in many ways. The media representation still needs a lot of work to overcome the bridges between the general population and their knowledge about the LGBTQIA+ community. Lastly, there is a need for established government laws for the community which would make the community feel more accepted and safe. The abolishment was just the first step, there are still a lot of laws such as that of marriage and adoption which need to be implemented. An article by Knight (2019) sheds light upon the need for more government policies for the LGBTQ community. UNESCO found that in many different parts of the countries education and training are denied to the LGBTQ community and are bullied and harassed. Government should implement elements like gender-neutral uniforms, increase the number of accessible toilets and eradicate the difficulties that occur in obtaining accurate identity documents as barriers for LGBT students and update the curriculum of sex education in textbooks.

These themes definitely provide a lot of knowledge and perspective into a whole different world which cannot be seen through a straight individual's eye. While it is important that the first step of identifying the social and psychological impact is done, it is also important to contribute in finding solutions and ways to tackle these problems.

CONCLUSION

The present study helped us understand the many different and unique perspectives of individuals regarding the abolishment of the section. It was found that although progressive steps have been taken, there is still a lack of acceptance and awareness. Today, in India, it is really important for us as individuals, society, and government to take initiatives to educate people on different sexualities and genders and create a pro-LGBTQ environment. Even though we definitely have progressed a lot as a nation in the past 10 decades, we still have a long way to go. Awareness and education are the key aspects which we need to work on and inculcate different genders, sexes, and sexuality in children's curriculum so that from a very young age they don't differentiate between what is 'normal' and what is 'abnormal'. There were certain limitations recognized in this study. Firstly, 10 out of 13 participants identified as bisexuals which restricted our exploration throughout different sexual orientations and most of them identified as females. Secondly, since many of them were in their early teens when the law was abolished, they did not know about the existence of the law before its abolishment which may have had an impact on their perspectives and experiences. Lastly, most of the participants had not come out before the law was abolished which couldn't determine their experiences before the abolishment. Further studies on sexuality, on a larger scale, can help us understand the impact of the section and the consideration of religion and races would be a great contribution to this existing paper and different religious and racial issues do occur in congruence with sexuality issues in the society which is worth studying in a country which is secular and allows the existence of many different nations which is an advantage but also sometimes also create a barrier on the thinking about certain social issues as different groups of people have different mindsets. So studies on a larger scale would definitely be a help in understanding these issues better so that we know how to tackle them and solve them which would bring us a step closer to real progress.

Data Availability

Interview transcripts are not publicly available to ensure confidentiality and so that participants are not identifiable according to the informed consent. A table persisting of all the information has been added.

Ethical Section

Ethical committee approval was not needed as this study doesn't involve any intervention. Informed consent, confidentiality and privacy was adhered to throughout the process.

Informed consent

All individuals involved in this study had consented to participate, get themselves recorded via audio and video, and for their anonymous quotations to be used from the interview in the study.

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Evaluation in Sports Achievement Development: Literature Review

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ABSTRACT: Coaching sports achievement requires a coaching process that starts from the club. The coaching process requires good management at the club in order to obtain results in an effective and efficient manner. Good and efficient management in managing a sports club in the context of its achievement is decisive. This study aimed to determine Evaluation in Sports Achievement Development. The method used is literature study or literature review. A literature study is a research design used in collecting data sources related to a topic. It collects data for the study of literature using a database to search for literature sources. Data collection used the Reporting Items for Systematic Review and Meta-Analysis (PRISMA) method. From the results of research and discussion, it can be concluded that athlete breeding can be done by carrying out talent identification and then continuing with the talent development stage. This method is expected to make the nursery process better. The nursery system used in the concept of sports coaching is a nursery system that is able to become the foundation of achievement development. A good foundation is at school age where educational sports are important to give birth to athlete seeds.

KEYWORDS: Evaluation, Sports Achievement

INTRODUCTION

Sport is an activity that is part of human physical activity, because doing physical activity has the intent and purpose to improve the quality of life (Jian Andri Kurniawan et al., 2015). Evaluation comes from English, namely evaluation. The word evaluation is absorbed from the Indonesian term with the aim of maintaining the original word with a slight adjustment of Indonesian pronunciation so that it becomes an evaluation (Suharsimi Arikunto, 2010). Evaluation is a series of activities carried out intentionally to see the level of program success (Supriadi., 2019). The program evaluation carried out is expected to reduce the obstacles that exist in the implementation of the training program. Evaluation is a process that determines to what extent the objectives can be achieved. Usually evaluation is always associated with learning outcomes, but now the concept of evaluation has a broader meaning (Tayibnapis, 2008).

Evaluation is a program that involves various units containing policies and a series of activities that must be carried out at a certain time, then evaluation is an activity to collect information about the workings of an activity, then the information is used to determine the right alternative in making decisions or evaluating the same meaning as activities supervision. While the program is a plan that involves various units containing policies and a series of activities that must be carried out in a certain period of time, then evaluation is an activity to collect information about the work of an activity, which further information is used to determine the right alternative in making decisions or evaluating the same This means that with supervision activities, supervision or evaluation activities that are intended to make decisions to follow up on programs that have been implemented.

(Ayu Reza Adzalika, Soegiyanto, 2019) in a systematic, planned, organized and sustainable coaching process requires evaluation since through evaluation any field work can be evaluated and categorized as good or bad. Evaluation is considered as a process that determines the achievement of the objectives of the planned activities. Evaluation is focused on an activity within a particular unit. These activities can be in the form of programs, processes or work results, places, organizations or institutions. While the program is a system that is not carried out only once but continuously (Tangkudung, 2018).

This research is expected to provide information to trainers regarding the importance of training programs in the coaching process. Thus the coach has the motivation to make the right training program according to the characteristics of the athlete in order to achieve maximum performance. This research is expected to provide information to athletes about the importance of following instructions from coaches in training and motivate athletes to continue to develop their achievements for maximum performance. For Organizational Management, this research is expected to be able to provide information and input to organizational management regarding how the coaching has been implemented, which can later be used as a reference to develop and improve coaching for the better.

Evaluation in Sports Achievement Development: Literature Review

METHODS

The method used is literature study or literature review. A literature study is a research design used in collecting data sources related to a topic. The literature study aims to describe the main content based on the information obtained (Herliandry et al., 2020). Data collection is carried out using a database to search for literature sources. This data collection uses the Preferred Reporting Items for Systematic Reviews and Meta-Analysis (PRISMA) method. The research was carried out by analyzing journals and then making a summary related to the study objectives. The journal search procedure has the PICOT procedure criteria. The PICOT method has been extended to the questions used to review journals. Researchers conducted a review of journals in the last ten years. The strategies used in the literature search were collected from national and international journal providers' databases. The national and international journal providers database can be accessed through several websites. The access used to search for the articles reviewed is Google Scholar, Eric, and Scopus.

RESULTS AND DISCUSSION

1. Evaluation Purpose

The purpose of evaluation is to obtain accurate and objective information about a program. The information can be in the form of program implementation processes, impacts with the results achieved. Efficiency and utilization of evaluation results focused on the program itself, namely to make a decision whether to continue, improve or discontinue. In addition, it is also used for the purpose of preparing the next program as well as formulating policies related to the program (Connie Chairunnisa, 2011).

(Helen Purnama Sari, 2017) The purpose of the evaluation is to determine the improvement of a program in achieving the internal goals of the institution or institution, to be considered for decision making and accountability for tasks to stakeholders. While the evaluation is to find out the achievement of the objectives of a program that is set at the beginning of the preparation of the program, there are two objectives of implementing the evaluation, namely general objectives and specific objectives, in general, the purpose of evaluation research is to find out how effective the program has been. Then the specific purpose of evaluation research is to find out how much the performance of each component is as an important factor to support a process with the results achieved.

According to (Satria & Muba, 2012) a systematic, planned, regular, and continuous coaching process needs to be evaluated because a field of work can be known to be good or bad if an evaluation has been carried out. The objectives of evaluating a program include: 1) communicating the program to the public, 2) providing information for decision makers, 3) improving existing programs, and 4) increasing participation.

2. Evaluation Benefits

Evaluation is an effort to conduct a review to provide guidance. So program evaluation is the first step in providing guidance, among others, collecting the right data so that it can be continued with the provision of proper coaching as well.

According to (Suharsimi Arikunto, 2010) there are four possible policies that can be carried out based on the results in the implementation of a decision program, namely

a. Stopping the program, because it has no benefit or cannot be implemented as expected.
b. Revise the program, because there are parts that are not in line with expectations.
c. Continue the program, because the implementation of the program shows that everything has gone according to expectations and is delivering results.
d. Disseminate the program, because the program is successful.

3. Evaluation Model

a. Evaluation of the Provus Model (Discrepancy Model)

The word discrepancy means gap, this model according to (D. C. Stufflebeam & Coryn, 2014) is based on the assumption that to determine the feasibility of a program, evaluators can compare what should be expected to happen (standard) with what actually happened (performance). By comparing the two things, it can be seen whether there is a discrepancy, namely the standard set with the actual performance. This model was developed by Malcolm Provus, aiming to analyze a program whether the program deserves to be continued, improved, or discontinued. This model emphasizes the formulation of standards, performance, and discrepancy in a detailed and measurable manner. Program evaluations carried out by evaluators measure the size of the gaps that exist in each program component. With the elaboration of gaps in each component of the program, corrective steps can be clearly taken.

b. Responsive Stakes Model

According to (Stake, 2005) has outlined several characteristics of the responsive evaluation model approach, namely:
(1) More towards program activities (processes) than program goals.
(2) Having relationships with many groups to get evaluation results.

(3) The difference in the value of the perspective of many individuals becomes a measure in reporting the failure and success of a program.

This approach is a system that sacrifices some facts in the evaluation in the hope of increasing the use of the evaluation results to the individual or the program itself. This model is based on what individuals usually do to judge a case. To carry out this evaluation, evaluators are forced to work harder to ensure the selected individual understands what needs to be done. Evaluators also need to establish standard procedures and find and organize a team to pay attention to the implementation of the program. With the help of the team, the evaluator will provide notes, descriptions, results of objectives and create graphs.

The stages, namely:

(1) The initial implementation of the evaluation, the evaluator and the client (stakeholder) make negotiations on the contract regarding the purpose of the assessment, validity and assurance of confidentiality.

(2) Identify the concerns, issues and values of stakeholders.

(3) Collecting information related to goals, issues, values that are identified by stakeholders.

(4) Provision of reports regarding decisions or alternatives. This report contains several issues and concerns that are well known to stakeholders.

c. Tyler's Goal Attainment model

The Goal Attainment evaluation model is a simple evaluation model. The evaluation's emphasis on the outcome aspect alone makes the evaluation easier to understand, follow and implement. This evaluation model has been simulated for years resulting in refined actions and instruments. Goal attainment models are the work of Ralph Tyler. This model emphasizes the importance of specific goals for each educational process and evaluation is emphasized to find out how far the targeted goals have been achieved.

The objective-oriented evaluation literature is extensive, and is filled with creative ideas for applying this approach. Weaknesses of the Goal Attainment Evaluation Model.

(1)   Ignoring the planning and process aspects of the learning process.

(2)   The discrepancy between the level of objectives and their implementation.

d. Stake's Countenance Model

According to the characteristics of the problem in the field, what is considered appropriate and relevant to the problem to be evaluated is an option for researchers to apply the Countenance Evaluation Model. The choice of this model is due to the strength of this evaluation model, namely the evaluation process of planning, process and results that are very suitable to the problems of this research.

According to (Connie Chairunnisa, 2011) the countenance evaluation model, which was developed by the stake. This model emphasizes the implementation of two main things, namely 1) description and 2) judgments, and distinguishes the three stages in program evaluation, namely: 1) antecedents (anteced-ent/context), 2) transition (transaction/process) and 3) results (outputs)

According to (Stake, 2005), the model evaluation countenance is an attempt to describe programs and give judgment to them. Evaluation of countenance is an approach to evaluate the evaluation of education and other programs. Referring to this, the appropriate evaluation model in this study is the countenance stake evaluation model. The countenance stake model consists of two matrices. The first matrix is called the description matrix and the second is called the consideration matrix. The new consideration matrix can be done by the evaluator after the description matrix is completed.

According to (Stake, 2005), evaluation of the stake model provides a full description and consideration of learning. In this model, stakes emphasize the role of evaluators in developing learning objectives into specific and measurable goals. The description matrix consists of categories of goals (intents) and observations. The consideration matrix consists of standard categories and considerations. In each category there are three focuses:

(1) Antecedent (context) A condition that exists before the instruction that relates to the result

(2) Transaction (process) which is an activity instruction process

(3) Outcomes (results), namely the effects of experience, observations and work results

According to (Tayibnapis, 2008) that the analysis of the evaluation process proposed by Stake brought a considerable impact in the field of evaluation and laid a simple foundation but is a strong enough concept for further developments in the field of evaluation. Stake emphasizes that there are two basic activities in evaluation, namely (1) description and (2) judgments; and distinguish between three stages in program evaluation, namely (1) antecedents (antecedents/context), (2) transactions (transactions/processes), and (3) outputs (outcomes).

Another factor that becomes the basis for choosing the Countenance Evaluation Model is in its assessment of the needs of the program served by the evaluator. In addition, efforts to describe the complexity of the program as a reality that may occur and have great potential to gain new insights and theories about the field and program that will be evaluated.

e. CIPP Evaluation Model

Evaluation in Sports Achievement Development: Literature Review

The evaluation model is an evaluation design model created by experts or evaluation experts who are usually named the same as the maker. In the implementation of evaluation, we hear many evaluation models, usually the evaluation model used is adjusted to the type of object being evaluated or adapted to needs. However, in the world of sports, the evaluation model that is commonly used is the CIPP (context, input, process, product) evaluation model.

The CIPP evaluation model is a model developed by (D. C. Stufflebeam & Coryn, 2014) this model refers to four stages of evaluation: context evaluation, input evaluation, process evaluation and product evaluation. This is based on the view that the most important objective of evaluation is to improve the functioning of a program, this is in line with the opinion (Topno Harshit, 2012) which says that "It refers to the four phases of evaluation: context evaluation, input evaluation, process evaluation and product evaluation. It is based upon the view that the most important purpose of evaluation is to improve the functioning of a programme".

What is meant by this evaluation is an evaluation approach that is oriented towards decision makers to provide assistance to administrators or decision makers (Zapata, 2015). The CIPP model is a comprehensive framework for guiding formative and summative evaluation of projects, programs, personnel, products, institutions, and systems". The CIPP model is comprehensive to guide the evaluation of formative and summative frameworks for programs and so on. In addition, the CIPP evaluation model is one of the most widely used models in program evaluation.

(Hakan & Seval, 2011) explains that "One of the strengths of the CIPP model is, especially, that it is a useful and simple tool for helping evaluators produce questions of vital importance to be asked in an evaluation process. Evaluators can determine lots of questions for each component of the CIPP model". One of the strengths of the CIPP model is that it is a simple tool to help evaluators generate very important questions to ask in the evaluation process. The evaluator can assign multiple questions to each component of the CIPP model.

The CIPP model is often said to be an evaluation model that has a comprehensive evaluation format at each stage. In each of its components, this model has its own emphases and goals but they all complement each other.

Figure 1. Components of the CIPP Evaluation Model
Source : (D. L. Stufflebeam, 2015)

4. Sports Achievement Development

The development of early childhood sports achievement can be done systematically. Therefore, proper breeding of prospective athletes is carried out from an early age (Meiyanto et al., 2018). Coaching sports achievement requires a series of coaching processes that start from the club. The coaching process requires good management within the club in order to obtain results in an effective and efficient manner. Good and efficient management in managing sports club activities in the context of achievement of its role is so decisive. Increasing the attention of sports coaches, the press and those in the academic world to the issue of sports coaching.

The problem is acquiring skills and fitness on a multilateral basis and specialization. The objective of the problem is to involve as many prospective athletes as possible in sports achievements as part of increasing national sports achievements. Human resources (HR) are a basic prerequisite for the development process of all fields. The productivity aspect of development can be realized due to the availability of quality and adequate human resources in quantity. In terms of quantity, Indonesia has a potential population of man power, but in terms of quality, it still takes time to process it.

CONCLUSION

Evaluation in Sports Achievement Development: Literature Review

From the results of research and discussion, it can be concluded that athlete breeding can be done by carrying out talent identification and then continuing with the talent development stage. This method is expected to make the nursery process better. The nursery system used in the concept of sports coaching is a nursery system that is able to become the foundation of achievement development. A good foundation is at school age where educational sports are important to give birth to athlete seeds.

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Evaluation in Sports Achievement Development: Literature Review

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ABSTRACT: Coaching sports achievement requires a coaching process that starts from the club. The coaching process requires good management at the club in order to obtain results in an effective and efficient manner. Good and efficient management in managing a sports club in the context of its achievement is decisive. This study aimed to determine Evaluation in Sports Achievement Development. The method used is literature study or literature review. A literature study is a research design used in collecting data sources related to a topic. It collects data for the study of literature using a database to search for literature sources. Data collection used the Reporting Items for Systematic Review and Meta-Analysis (PRISMA) method. From the results of research and discussion, it can be concluded that athlete breeding can be done by carrying out talent identification and then continuing with the talent development stage. This method is expected to make the nursery process better. The nursery system used in the concept of sports coaching is a nursery system that is able to become the foundation of achievement development. A good foundation is at school age where educational sports are important to give birth to athlete seeds.

KEYWORDS: Evaluation, Sports Achievement

INTRODUCTION

Sport is an activity that is part of human physical activity, because doing physical activity has the intent and purpose to improve the quality of life (Jian Andri Kurniawan et al., 2015). Evaluation comes from English, namely evaluation. The word evaluation is absorbed from the Indonesian term with the aim of maintaining the original word with a slight adjustment of Indonesian pronunciation so that it becomes an evaluation (Suharsimi Arikunto, 2010). Evaluation is a series of activities carried out intentionally to see the level of program success (Supriadi., 2019). The program evaluation carried out is expected to reduce the obstacles that exist in the implementation of the training program. Evaluation is a process that determines to what extent the objectives can be achieved. Usually evaluation is always associated with learning outcomes, but now the concept of evaluation has a broader meaning (Tayibnapis, 2008).

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Evaluation in Sports Achievement Development: Literature Review

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RESULTS AND DISCUSSION

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The purpose of evaluation is to obtain accurate and objective information about a program. The information can be in the form of program implementation processes, impacts with the results achieved. Efficiency and utilization of evaluation results focused on the program itself, namely to make a decision whether to continue, improve or discontinue. In addition, it is also used for the purpose of preparing the next program as well as formulating policies related to the program (Connie Chairunnisa, 2011).

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Evaluation in Sports Achievement Development: Literature Review

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Figure 1. Components of the CIPP Evaluation Model
Source : (D. L. Stufflebeam, 2015)

4. Sports Achievement Development

The development of early childhood sports achievement can be done systematically. Therefore, proper breeding of prospective athletes is carried out from an early age (Meiyanto et al., 2018). Coaching sports achievement requires a series of coaching processes that start from the club. The coaching process requires good management within the club in order to obtain results in an effective and efficient manner. Good and efficient management in managing sports club activities in the context of achievement of its role is so decisive. Increasing the attention of sports coaches, the press and those in the academic world to the issue of sports coaching.

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CONCLUSION

From the results of research and discussion, it can be concluded that athlete breeding can be done by carrying out talent identification and then continuing with the talent development stage. This method is expected to make the nursery process better.

Evaluation in Sports Achievement Development: Literature Review

The nursery system used in the concept of sports coaching is a nursery system that is able to become the foundation of achievement development. A good foundation is at school age where educational sports are important to give birth to athlete seeds.

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Çarkçi Opera Student's Self-Efficacy Scale: A Validity and Reliability Study

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ABSTRACT: Purpose of the study is to develop a scale to determine vocational self-efficacy perceptions of the conservatory opera undergraduate students. Participants are 356 undergraduate opera students enrolled in conservatories at public and private universities across Turkey. In the first step of the study item generation was realised, subsequently field experts assessed content adequecy, afterwards items were administrated 100 participants for the pilot study, an exploratory factory analysis have been realised on this data and reduced the set of items. The new set of items were administrated to 256 participants for the main analyses. Explatory, confirmatory factor analyses, test re-test coefficients and construct validity have been tested. Results indicated that "Çarkçı Opera Students Self-Efficacy Scale" is a valid and reliable scale consisting of 24 items and 6 factors. It is a five-point Likert scale, Cronbach's is calculated 0.833for the total score, the result of test-retest analyses is .98.

KEYWORDS- Opera students, Scale development, Self-efficacy

1. INTRODUCTION

Music and dance have been used as a therapy tool since the early ages by the most primitive African tribes, Aboriginals, Pagans to Kams, Seljuks, Ottomans and medieval Islamic scholars in their treatment, along with water and music, and in Indian and Far Eastern philosophies, Old Testament inscriptions in the Torah. Today, the tradition of using music, painting, drama, briefly art therapy, has become quite common in treating psychological problems.

The fact that arts-based therapy systems gives satisfactory results, positive feedbacks of clients and therapists bring to the mind another question. The improper education of performance artists should cause psychological, physiological and cognitive disorders in individual. With this perspective, researchers started a series of studies on opera theatre and ballet artists and conservatoire students about their vocational self-efficacy and performance anxiety. In the literature, it has been observed that although there are some scales (McCormick & McPherson; 2003; 2006; Kenny, Davis & Oates, 2004; Ritchie & Williamaon, 2011; 2012; Tokinan, 2013; Çırakoğlu & Şentürk, 2013; Kabakçı, 2016) for music, piano and instrument performance artists, there is no scale to measure vocational self-efficacy of opera undergraduate students. And researchers couldn't reach any studies conducted on psychology of opera students and artists in Turkish sample. In this context, it is aimed to develop a self-efficacy and performance anxiety scales for the opera, ballet, theatre artists and students. The "Çarkçı Opera Students' Self-Efficacy Scale," which is presented in the current study, is a part of this research (Çarkçı, 2019).

It is assumed that Opera, as the cradle of the Renaissance, is of Florence origin, and has been formed by the composers, poets and sculptors who came together in Florence to form a more comprehensive art form in parallel with the ancient Greek tragedies (Altar 2000, Gürten 2009, Yener 1992). It is generally accepted that the first examples of the opera art are "Dafne" and "Euridice" operas which were staged for the first time by J.Peri in 1594. Opera art where music, theatre, decor and costume, architecture and sculpting, briefly all the arts in the scope of all fine arts come together, and where time and space elements are experienced in a multi-dimensional way with the timely creation of a crowded performer and technical group is the only branch of art in which human voice is used and performed without any technological assistance unlike other forms of art. Continuing its development in Northern Italy, opera art has changed in parallel with the classical, romantic, realistic, modern and post-modern art approaches reaching a wider audience in other European countries, and has inspired many composers to overcome the limits of their sound and body and realize themselves in this respect (Altar, 2000; Gürten 2009; Yener 1992).

The fact that opera artists using their voice and body as an instrument, enhances the importance of artist's psychology for the stage performance. Personality characteristics, ability, socio-cultural values and health-related issues are prominent in the personal and professional development of opera artists as well as in many vocational performances. The voice of the artists also stands out as an instrument, therefore handling vocal functionality as an important sign of physical and psychological health in artistic expression (Sandgren, 2005) of opera artists is a requirement.

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Self-efficacy perception is one of the most important elements of sustaining its existence and performance on the stage. No matter how accurate and elite is the education given, unless the individual's perception of self-efficacy is strong, they will not be able to succeed as they are not able to resist the environmental effects and succumb to their anxiety. This will lead the individual to end early their education or professional life. Self-efficacy beliefs regulate human functioning through cognitive, motivational, affective, and decisional processes (Bandura, 1997). Perceiving high-self efficacy activates individuals self-enhancing thoughts and contribute to motivating them-selves, on the other hand perceiving low self-efficacy may process in a self-debilitating way. Perceived self-efficacy affect individual's emotional well-being, depression level, responses against stress, and the way of decision making (Bandura & Locke, 2003). Self-efficacy is defined by Bandura (1986) as a judgment that the individual can find the power to realize their performance by regulating the environmental conditions so that they can perform a targeted performance. Self-efficacy is an individual's belief about him/her capability of how successfully perform a specific behaviour (Bandura, 1986). In other words, self-efficacy includes an individual's personal judgments that he/she can perform a certain performance under any situation. The self-efficacy expectancy of the individual is considered as an important factor that determines the motive to start a job, how much effort will be spent for that job and how long the individual will persevere to reach their goal when the obstacles are encountered (Bandura, 1989). The fact that the individual has a consistent and strong competence expectation regarding their own behaviour affects their behavioural determination in many areas of life. Considering the importance, the professional occupations in terms of the individual's emotional, psychological, economic and social wellbeing, it is very important to examine the effect of the concept of "self-efficacy expectation" presented by the social-cognitive theory in the career development process (Betz & Hackett, 1986; Lent & Hackett 1987). In the face of a problem, if the individual's belief in their skills and abilities is weak, their capacity to cope with the problem will also be low. In this case, the individual needs to have belief in their own strength and abilities in order to reach a solution in the problematic situation. According to another definition, self-efficacy is the power of the individual to fight the situation in line with their beliefs and abilities and skills about what they can do regarding any situation (Snyder & Lopez, 2002). It is the capacity of the individual to show what they can do regarding a targeted behaviour or a difficulty that has been faced with. In the light of all these definitions, self-efficacy is the capacity and ability to make all personal judgments of individuals that they can improve their behaviour and accordingly their performance. All the knowledge on self-efficacy literature lead the researchers to investigate the importance of self-efficacy of stage artists. In their research with 332 instrument artists and musicians, McCormick and McPherson (2003) found that self-efficacy is the factor that best explains real performance. A similar finding was obtained in the study of Ritchie and Williamon (2012) with 250 music undergraduate students. According to the results of the research, the self-efficacy perception of students regarding their music performance was determined to be the most important predictor of the quality of their performance. The same finding was found to be valid for the most successful conservatory students in the technical and recital exams. Since self-efficacy perception of the stage performers and students is an important building block in improving their motivation regarding their self-concept and performance, it is aimed to eliminate this shortcoming and develop the self-efficacy scale for the stage and school conservatory performances of opera students within this study. In line with the purpose in the process of building the scale items, the path that Betz and Hackett (2006) stated in their studies discussing the professional self-efficacy theory and the mistakes made in the handling of the concept has been followed and self-efficacy is not treated as a situational concept, but as a judgment or cognitive assessment of future performance skills. In a similar way, the beliefs of the individual on their skills to perform in front of others, which McCormick and McPherson (2003) especially emphasize in musical self-efficacy, were evaluated within the scope of the study.

2. METHODOLOGY

The item pool was framed by referring to self-efficacy literature, the theoretical framework, and via the interviews realised with 27 students, and 5 educators in conservatory opera branch. By the mentioned process writers set forth 47 items. In order to establish the content validity of the scale, the items were subjected to field experts. Three experts were drawn from the field of psychological counselling and guidance and three experts were drawn from the opera branch of state conservatory, all experts were faculty members. After expert reviews necessary modifications were made, 14 items are removed and 33 items are reorganised according to the experts' suggestions. The scale development is realised with two steps. Study was carried out with two parts. Study 1 was a pilot study, with participation of 100 opera undergraduate students, it has been realized an initial exploratory factor analysis with this group. In the second study exploratory and confirmatory factor analysis, convergent validity and reliability analysis were carried out with participation of 256 undergraduate opera students from 8 different cities in Turkey. For all the applications, the researchers obtained permission and clearance from Social Sciences and Human Ethical Committee of Istanbul University and Hacettepe University.

2.1. Study 1 (Pilot Study)
2.1.1. Data Collection

Items were arranged and administered to a sample of 100 conservatory opera students (%39 men, %61 women) for the validation study. Data was collected in classroom settings and the subjects were asked to respond to all the statements, during the time of

administration the investigator gave proper assistance and directions whenever and wherever necessary. It took approximately 15 minutes to collect the data.

2.1.2. Data Analysis & Results (Study 1)
2.1.2.1. Results of the exploratory factor analysis

Exploratory factor analysis of the pilot study started with 33 items, total correlations are examined for all items. Items with correlations less than .25; items showing high loading scores in more than one factor; and items that have loading scores with differences less than .10 are removed. With these criteria total 6 items are removed from the scale. Analyses are repeated with remaining 27 items. In order to test the structure validity of the instrument, a principal component analysis with varimax rotation has been applied for 27 items. Extracting factors with Eigen values over 1.00, was primary criterion to decide the number of factors retained for rotation (Tabachnik & Fidell, 2001). KMO (.701) and Barlett Sphericity (X2=940.46; p< .000) have found to be adequate for satisfactory factor analysis (Table 1). Results of the principal component analysis yielded six factors loading between .81 and .69 and explaining 61.2% of the total variance. The first factor (6 items) explains 14.3% of the total variance. The second factor (6 items) explains 11.5% of the total variance. The third factor (4 items) explains 11.2% of the total variance. The fourth factor (6 items) explains 11.24% of the total variance. The fifth factor (2 items) explains 7.2%, the sixth factor (3 items) explains 6.78% of the total variance. The factor loadings for each scale are presented in Table 1.

Table 1: Opera Students Self-Efficacy Scale Exploratory Factor Analysis (Study 1)

	1	2	3	4	5	6
Item 7	,811					
Item 2	,800					
Item 15	,778					
Item 1	,652					
Item 21	,650					
Item 14	,517					
Item 18		,725				
Item 19		-,700				
Item 16		-,688				
Item 20		,685				
Item 5		,630				
Item 4		,575				
Item 28			,768			
Item 29			,697			
Item 3			,633			
Item 12			,569			
Item 24				,690		
Item 9				,666		
Item 10				,641		
Item 23				,628		
Item 17				,516		
Item 33				,473		
Item 27					,836	
Item 30					,815	
Item 31						,687
Item 32						,613
Item 13						-,568

Kaiser – Meyer – Olkin (KMO) Test	,701		
Bartlett Sphericity Test	X²	940,469	
	Sd	351	
	P	,000	

2.2. Study 2
2.2.1. Procedure and Data Collection

The number of undergraduate students enrolled in opera branches of all conservatoires in Turkey is 581. First study was conducted on 100 of them, the second study was conducted with a group of 256 participants from 11 conservatoires in 8 different cities in Turkey with convenient sampling.

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Data was collected in classroom settings, the subjects were asked to respond to all the statements, during the time of administration the researchers gave proper assistance and directions whenever and wherever necessary. It took approximately 25 minutes to collect the data.

2.2.2. Study Group

Out of 256 participants 38.7% (n = 99) were girls and 61.3% (n = 157) were boys. 44.9% (n = 115) of the participants were 1820 years old, 34% (n = 87) were of 21-24 years old, 20.3% (n = 52) were of 24 years old and over. The distribution of the participants according to the grades is determined as, 15.2% (n = 39) were in the preparatory class, 27.3% (n = 70) were in the first grade, 19.9% (n = 51) were in the second grade, 19.9% (n = 51) were in the third grade and 17.6% (n = 45) were in the fourth grade.

2.2.3. Measurement Tools

This study aims to develop and test the validity and reliability of a new scale to measure perceived vocational self-efficacy of undergraduate opera students. So, "Çarkçi Opera Students Self-Efficacy Scale is developed by this purpose. For the criterion validity "Self-love and Self-Efficacy" scale was used.

Self-love and Self-Efficacy Scale: The scale was developed by Tafarodi and Swan (1995) Turkish adaptation was realized by Doğan (2011). Scale consists of two subscales self-liking (8 items, Cronbach's alfa .83, test re test value is .72) and selfcompetence (8 items, Cronbach's alfa .74, test re test value is .72). In the present study self-competence sub-scale was used. The survey also included questions about students' individual characteristics; such as gender, age, and grade.

3. DATA ANALYSIS

The exploratory factor analysis is repeated with a new group of participants (n=256). The distribution of the factors was confirmed by confirmatory factor analysis. The reliability test for the scale is analysed by comparison of test-retest scores. The correlation analysis was realised "Self-Efficacy and Self-Love Scale" (Tafarodi & Swan, 1995) to investigate the external validity of Çarkçi Opera Students Self-Efficacy Scale. All statistics were compared at .05 significance level. All the data except confirmatory factor analysis were evaluated with SPSS 25.0 statistics package program, Confirmatory Factor Analysis was analyzed with AMOS 24.0 package program.

4. RESULTS

4.1. The Exploratory Factor Analysis

Exploratory factor analysis of the Study 2 started with 27 items to test the structure validity of the final form of the scale. A principal component analysis is realised, total correlations are examined for all items. Items with correlations less than .25; items showing high loading scores in more than one factor; and items that have loading scores with differences less than .10 are removed. With these criteria total 3 items are removed from the scale. Analyses are repeated with remaining 24 items.

In order to test the structure validity of the instrument, a principal component analysis with varimax rotation has been applied for 24 items. Extracting factors with Eigen values over 1.00, was initial criterion to decide the number of factors retained for rotation (Tabachnik and Fidell, 2001). KMO (.787) and Barlett Sphericity ($X2=1465.57$; $p< .000$) have found to be adequate for satisfactory factor analysis (Table 2). Results of the principal component analysis yielded six factors loading between .81 and .69 and explaining 56.43% of the total variance. The first factor (6 items) explains 13,19%, the second factor (6 items) explains 10,92%, the third factor (5 items) explains 10,17%, the fourth factor (2 items) explains 8,18%, the fifth factor (2 items) explains 7,14%, and the sixth factor (3 items) explains 8,18% of the total variance. The factor loadings for each scale are presented in Table 2.

Table 2. Çarkçi Opera Students' Self-Efficacy Scale

1	2	3	4	5	6	Item Total Score Correlation
S2	,766					,381
S7	,724					,425
S15	,652					,552
S21	,618					,393
S1	,561					,392
S14	,544					,388
S5		,727				,431
S20		,694				,365
S18		,621				,381

S19*	,615		,317			
S4	,574		,460			
S16*	,505		,250			
S17		,704	,463			
S24		,699	,252			
S10		,673	,438			
S9		,641	,500			
S33		,490	,404			
S30*			,808			,283
S27*			,795			,434
S28				,836		,396
S29				,782		,441
S31					,698	,311
S32					,649	,472
S13*					,382	,215
Factor Loads	13,198	10,928	10,175	8,189	7,140	6,806
Total Variance Explained	56,436					
Kaiser-Meyer-Olkin (KMO)	,787					
Bartlett's Test	1465,571 (0,000)					
Degree of Freedom	276					

4.1.2. Opera Student Self-Efficacy Scale Confirmatory Factor Analysis

Confirmatory factor analysis was applied to test the accuracy of the predetermined factor structure. Confirmatory factor analysis helps to prove the accuracy of the dimensions obtained from the explanatory factor analysis and also shows the level of compatibility of the scale. Confirmatory Factor Analysis was realised using the structural equation modelling program AMOS 24.0. The analysis was performed on the 24 self-efficacy items and the maximum likelihood method of estimation was used. No cross-loadings and correlated measurement errors were allowed in the model. The ratio of the chi square statistic to the degrees of freedom ($x2/df$) should be less than 2 (Tabachnick & Fidell, 2001); the Goodness of Fit Index (GFI), the Comparative Fit Index (CFI), and Non Normed Fit Index (NNFI) should exceed .90 (Hu & Bentler, 1999; Tabachnick & Fidell, 2001); the Root mean square Error of Approximation (RMSEA) should be less than .05, with values less than .06 representing good fit (Hu & Bentler, 1999) and the Standardized Root Mean Squared Residual (SRMR) should not exceed .05 (Brown, 2006). Resulting fit indices revealed that all values except CFI and NFI values provided a perfect fit to the data, but CFI and NFI values are not among the acceptable fit threshold values $x2=396.24$, $df=233$, ($x2/df= 1.70$), RMSEA=0.52, GFI= 0.887, CFI=0.88, NFI= 0.86, NNFI=0,88, SRMR= 0.65).

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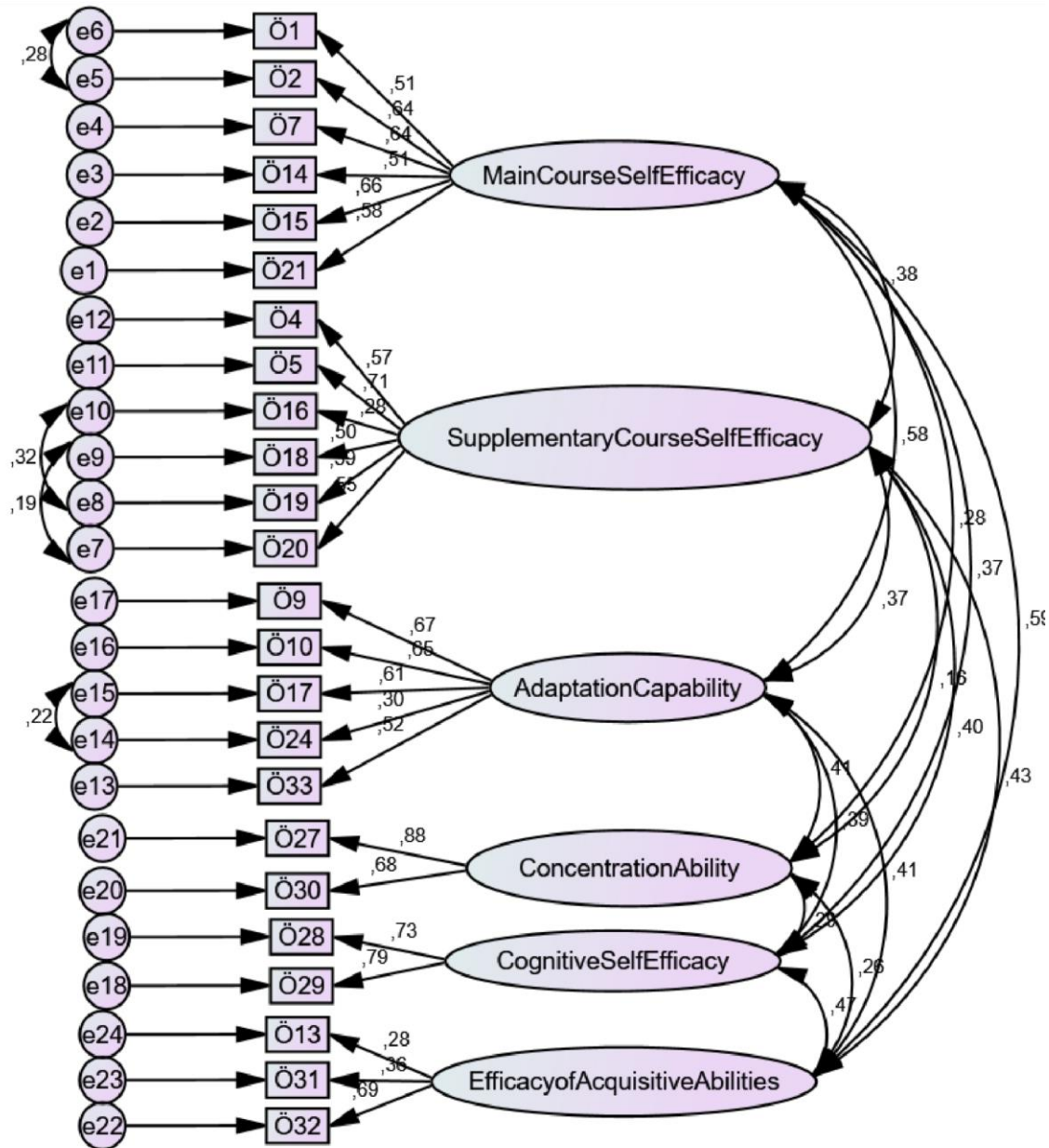
Fit Indices	Perfect Fit	Acceptable Fit Range	Opera Students SelfEfficacy
X²/df	$1 \leq X^2 / df \leq 3$	$2 \leq X^2 / df \leq 5$	**1,701**
CFI	$\geq 0,97$	$0,90 \leq CFI \leq 0,97$	,878
SRMR	$\leq 0,08$	$0,08 \leq SRMR \leq 0,10$	**,065**
NFI	$\geq 0,95$	$0,90 \leq NFI \leq 0,95$	,855
RMSEA	$\geq 0,05$	$0,05 \leq RMSEA \leq 0,10$	**,052**
X²	396,240 (,000) (df = 233)		

5. RELIABILITY ANALYSIS

Cronbach Alpha Coefficients and test-retest coefficients were computed for reliability studies. Cronbach Alpha coefficients were calculated as .77 first factor, .71 for second factor, for .71 for third factor, .75 for forth factor, .73 for fifth factor, .38 for sixth factor. Cronbach Alpha Coefficient for the total scale is calculated as .83.

Test re-test study was conducted with a sample of 35 undergraduate students from Istanbul University state conservatory. The questionnaire has been administrated to the research group two times in two weeks period. Test re-test coefficients were found to be .982 for total score (all p's < .01).

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Table 3. Opera Students' Self-Efficacy Scale Convergent Validity Study

	Main Course Self-Efficacy	Supplementary Course SelfEfficacy	Adaptation Capability	Concentration Ability	Cognitive SelfEfficacy	Efficacy of Acqusitive Abilities	Total SelfEfficacy	SelfEfficacy and Self-Love Scale
Main Course Self-Efficacy	1							
Supplementary Course SelfEfficacy	,217**	1						
Adaptation Capability	,383**	,175**	1					
Consentration Ability	,186**	,192**	,261**	1				
Cognitive Self-Efficacy	,280**	,241**	,272**	,244**	1			
Efficacy of Acqusative Abilities	,316**	,241**	,221**	,196**	,266**	1		
Total SelfEfficacy	,701**	,647**	,665**	,474**	,549**	,555**	1	
Self-Efficacy Self-Love Scale	0,120	0,086	0,067	-0,010	0,065	,125*	,132*	1

In order to test the convergent validity of the instrument "Self-Love and Self-Efficacy" (Demir, 2011) scale was administrated to 256 undergraduate students (99 women, 157 men). The correlation analysis was used to determine whether there is a relationship between "Çarkçı Self-Efficacy Scale for Opera Students" and "Self-Love and Self-Efficacy Scale". It was determined that there was a positive correlation between "Çarkçı Self-Efficacy Scale for Opera Students" total scores and Self-Love and Selfefficacy scale scores. Within the subscales efficacy of acquisitive abilities is correlated positively with "Self-Love and SelfEfficacy Scale".

6. DISCUSSION

In the present study, a self-efficacy scale was developed to measure vocational self-efficacy of opera conservatoire students, and validity and reliability tests were conducted. The scale has a 6 factor structure, the multi factor structure provides to determine the sources of self-efficacy as well as self-efficacy level. In this section, descriptions and rationale about subfactors, and scoring will be presented, right after limitations of the study and recommendations for future research and practitioners will take place. Çarkçı Opera Students Self Efficacy Scale consists of 24 items on a 5 point Likert's scale. 6 of them are reverse items. The higher points derived from the scale indicate high level of self-efficacy.

6.1. Factor1: Main Course Self-efficacy

The first factor consists of six items, high scores indicate high self-efficacy in voice capacity, enjoy singing and show good communication skills with instructors (ex/ I trust the capacity of my voice), on the other hand, low scores will indicate lack of self-efficacy in this area. Highest score that can be derived from this factor is 30, and the lowest is 6.

6.2. Factor 2: Supplementary Course Self Efficacy

The second factor consists of six items, two of them are reversely scored. High scores indicate high self-efficacy an opera student in the sub-courses (ex/ I can hear sensitively and accurately). It's assumed that sub-courses as solfeggio, harmony, dictation, correct feeling, deciphering rhythm feeling, auxiliary piano will improve the musical development of the student and accompany him throughout his/her professional stage performance life. Low scores derived from this sub scale is related with perception of low level, self-efficacy. 6 points indicates "very low" self-efficacy and 30 points indicates "high level" of selfefficacy.

6.3. Factor 3: Adaptation Capability

There are five items, to measure the responsiveness, flexibility and adaptability of an opera student to unexpected disruptions that may be encountered in stage and exams in conservatoire. Performing with the accompany of piano and orchestra, is a requirement for a student who is preparing for stage life, besides, confronting the responses of the audience or the colleagues is also crucial efficiency of a candidate performing artist, the high self-efficacy scores shall be considered as an indicator of adapting easily to unexpected situations and environmental conditions (ex./ I can do my best in stage courses). On the contrary, low scores shall be considered that the student needs support in this area. Low scores derived from this sub scale is related with perception of low level, self-efficacy. 5 points indicates "very low" self-efficacy and 25 points indicates "high level" of self-efficacy.

6.4. Factor 4: Concentration Ability

There are two reverse items in this subscale. This subscale determines how intensely the student concentrates on the music and/or stage layouts of the work during the performance (ex./ I confuse the music when focused on the "mise en scene"; reverse item). In other words, it determines the self-efficacy perception of attention processes. In this subscale low score indicates high selfefficacy in attention processes, while high scores will suggest that perceived self-efficacy of the student on focusing is low. Lowest score can be derived from this sub scale is 2 and the highest is 10.

6.5. Factor 5: Cognitive Self-efficacy

This subscale consists of two items, measuring cognitive competence, based on memory processes of opera students (ex./ I can easily memorise the opus). Opera artists requires a high performance, in terms of cognitive processes. An opera artist on stage, requires attention and focusing simultaneously on orchestra music, singing in harmony with an orchestra, following the dialogues while focused on musical rhythm and body movements. Two points derived from this subscale defines low self-efficacy perception, 10 points will define perceived high self-efficacy about cognitive competence.

6.6. Factor 6: Efficacy of Acquisitive Abilities

This subscale, consists of 3 items, one of them is reversely scored. This subscale reflects the capability, all items are designed to interpret the self-efficacy of acquisitive abilities that will support the student's artistic performance (ex./ Previous achievements make me proud of myself). Mastery on a foreign language and the motivation sourced from previous achievements. Highest point that will derived from this subscale is 15 and the lowest point is 3.

Considering the total scores, derived from the opera students' self-efficacy scale, 24p will define "very low level" self-efficacy perception, 48p will define "low" level, self-efficacy, 72 p will define "medium level" self-efficacy perception at 96 p "high" level. self-efficacy perception, and finally 120 p will define a "very high level" self-efficacy perception.

As findings put out the "Çarkçi Opera Students' Self-Efficacy Scale", is a valid and reliable tool that enhance to measure vocational self-efficacy of opera students.

6.7. Recommendations for Future Research

Given that there is little research on the subject in the literature, it is recommended to the researchers who will lead new research, to realize the adaptability studies of the scale in different countries. It is recommended for the researchers to examine the relationship between perceived vocational self-efficacy of opera students and their personality traits, performance anxiety and other variables. Researchers shall examine the emotional development of individuals in transition from studentship to professional artists by longitudinal studies.

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Cognitive Styles as A Correlate of Pupils' academic Achievement in South-East, Nigeria

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ABSTRACT: The study sought to investigate cognitive styles as determinants of academic achievement of pupils in South-East, Nigeria. Four research questions guided the study in line with the specific purposes of the study. The study was also guided by three null hypotheses. Correlation survey research design was adopted for the study. A population of 357,115 primary five (5) pupils in all the 5,378 public primary schools in South-East, Nigeria was used for the study. The sample for the study comprised four hundred (400) primary 5 pupils using Yaro Yamane's formula. A multistage sampling technique was used to draw the respondents. Two instruments were used for data collection, namely: Group Embedded Figure Test (GEFT) for cognitive style and pupils' academic achievement proforma which was used to collect achievement scores of the pupils in Mathematics for three terms. The average score of each pupil for the three terms was determined. The instrument was validated by three experts from University of Nigeria, Nsukka. Group Embedded Figure Test as a standardized instrument has a reliability estimate of 0.82. Scores from respondents were analysed using Pearson's Product Moment Correlation Coefficient and regression analysis. Specifically, Pearson's Product Moment Correlation Coefficient and Coefficient of Determination were used to answer research questions. In addition, regression ANOVA was used to test all the hypotheses at 0.05 level of significance. The findings of the study revealed, among others, that there is a significant correlation between field dependent cognitive styles and academic achievement of primary school pupils in Mathematics. It was recommended, among others, that The Federal and State Ministries of Education should organize and sponsor periodic workshops, conferences and seminars for teachers and head-teachers on the different cognitive styles and how they affect learning in order to actualize high academic achievement of primary school pupils especially in Mathematics.

INTRODUCTION

In order to achieve, a pupil needs to be guided to set a target he/she intends to accomplish and follow up with hard work and determination. But the urge to achieve this set target varies from one individual to another. For some, the need for achievement is very high while for others it is very low (Lansu&Cillessan, 2012). A well prepared learning environment, reinforcement, interaction among peers, good cognitive styles among others, can have a great influence on children's academic achievement. The meaning of academic achievement may vary depending on the context it is used. Academic achievement is significant to pupils because it determines their goal attainment. Ganai and Ashraf (2013) defined academic achievement as the knowledge gained or skills acquired in the school subjects usually designed by test scores or marks assigned by the teacher. Ifelunni, Ugwu, Aneke, Ibiam, Ngwoke, Ezema, Oraelosi, & Ede (2019) stated that academic achievement is the outcome of a pupil's learning effort in the school setting in Mathematics. Browsard (2002) defined academic achievement as the overall academic performance of pupils in the school. It is assessed by the use of teachers rating test and examination. Academic achievement is a person's performance in a given subject area such as Mathematics, English Language, and the sciences, among others. Academic achievement is about the learning outcome of the pupils. Academic achievement of pupils has been of great concern to parents, guardians, teachers and government agencies, among others. Academic achievement of pupils will be anchored on mathematics for the purpose of this study, reasons being that mathematics is one of the core subjects in primary schools.

One variable likely to determine the academic achievement of primary school pupils is cognitive styles. It is essential that teachers take note of its influence on learners. Cognitive styles of pupils may help teachers to know how best to present their lessons. Cognitive style has been reported to be one of the significant factors that may impact students' achievement in various school subjects (Cakan, 2000). Cognitive style, according to Kholodnaya (2002) is defined as a psychological system that regulates and controls an individual's cognitive functioning. Ifelunni (2019) also opined that cognitive style is the individual differences in the way pupils think, reason, remember, understand situations and translate such situations for problem-solving.. A number of cognitive styles have been identified and studied over the years. These include: Klein (1951) Sharpener / Levellers cognitive style, Witkin(1954) Field Dependence / Field Independence cognitive style, Pask (1972) Holist / Serialist cognitive style, among others

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(Altun&Cakan, 2006). However, field independence / field dependence will be used for this study. This is based on the fact that field independence versus field dependence lays emphasis on the use of social interaction in the development of cognition. There are three field related cognitive styles which include Field Independent (FI), Field Dependent (FD) and Field Neutral (FN) (Witkin, Oltman, Raskin& Karp, 1971).

Field dependent students, as asserted by Witkin in Lucas-Stannard (2003) have a preference for group works and require extrinsic motivation and more structured reinforcement from teachers while field independent students rather prefer individual work and tend to be intrinsically motivated. These are the two extremes of the field dependent and field independent cognitive styles while the individuals that are more adaptable to any situation are called the field neutral learners. They are at the middle of the field Independent (FI) and field Dependent (FD) learners. The field neutral learners prefer moderation in their daily activities with less routines and protocols (Nnodi, 2012). But at a perceptual level, Kholodnaya (2002) stated that field independent personalities are able to distinguish figures as separate from their backgrounds compared to field dependent individuals who experience events in an undifferentiated way. In addition, field dependent individuals have a greater social orientation relative to field independent personalities.

To buttress this point, Daniels in Yunusa and Tukur (2011) summarizes the general tendencies of field dependent and independent learners as follows: Field-dependent individuals rely on the surrounding perception field; have difficulty attending to, extracting and using non salient cues, among others. While the field-independent individuals: perceive objects as separate from the field; can dissemble relevant items from non-relevant items within the field; provide structure when it is not inherent in the presented information, among others. In addition, thecharacteristics of field-dependent learners are as follows; perceives globally, experiences in a global fashion, adheres to structures as given, makes broad general distinctions among concepts, sees relationships and social orientation. The characteristics of field-independent learners on the other hand include; perceives analytically, experiences in an articulate fashion, imposes structures of restrictions, makes specific concept distinctions, little overlap (Ruttun, 2009: 1026).

Studies have recognized a number of connections between cognitive style and learning (Messick in Kozhevnikov, 2007). Dwyer and Moore (2001) found the field independent learners to be superior to field dependent learners on tests measuring different educational objectives. In the field of education, cognitive styles have analytical power for academic achievement beyond general abilities (Sternberg & Zhang, 2002). Being field dependent, field neutral or field independent have a role to play in the learning situation. Although, some studies revealed that field independent students perform better than field dependent students, some others said that they perform similarly (Nnodi, 2012). However, studies have identified a number of connections between cognitive style and learning. Cognitive styles have either positive or negative relationships with academic achievement depending on the nature of the learning task the pupils are expected to undertake.

South-East, Nigeria is made up of five states namely, Enugu, Anambra, Ebonyi, Abia and Imo. There is availability of educational institutions such that every child unless otherwise deprived would have opportunity to go to school. However, experience and research evidence indicate that despite the enormous number of public and private owned primary schools within the region, children are still observed to be performing poorly, probably because the particular cognitive style that suits them has not been identified, thus leading to poor academic achievement in Mathematics. One then begins to wonder whether if cognitive styles are determinants of this inadequate academic achievement in Mathematics or not. It is against this background that the study investigated cognitive styles as determinant of academic achievement of primary school pupils in Mathematics in South-East, Nigeria.

STATEMENT OF THE PROBLEM

There is a descending trend in the academic achievement in Mathematics of primary school pupils in Nigeria in general and South-East, Nigeria in particular as shown by some researchers. For education to achieve the goal of national development, the primary school level is critical as it forms a basis for the overall development of a child. This level of education dictates the tune for the future development of the child and the success of other levels of education. There are hues and cries about the poor academic achievement of pupils at this level by various stakeholders in education.

Unfortunately, it will appear as if not much attention is being paid to this level as evidence abound to show poor academic achievements of pupils, especially in the South-East. Many reasons have been given for this. While some believe that factors associated with the teacher, classroom environment could mar or promote academic achievement of children. For some, it would appear that cognitive styles of pupils could be a major determinant of their poor or improved academic achievement. This may be why primary school pupils who are exposed to the same teaching experience by the same teacher in Mathematics, may be seen to perform at different levels of achievement.

Given these conflicting thoughts and the worrisome academic achievement of pupils in South-East, Nigeria, there is need to explore how cognitive styles determine academic achievement of primary 5 pupils in public primary schools in South-East, Nigeria. Herein lay the problem of the study. Put in a question form, therefore, the problem of this study is, "What is the correlation between cognitive styles and pupils' academic achievement in Mathematics?"

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Purpose of the Study

The general purpose of this study was to examinecognitive styles as determinant of academic achievement of primary school pupils in South-East, Nigeria. Specifically, the study sought to:

1. Establish the proportion of primary 5 pupils with the various cognitive styles.
2. Determine the correlation between field dependent cognitive style and academic achievement of primary school pupils in Mathematics.
3. Ascertain the correlation between field independent cognitive styles and academic achievement of primary school pupils in Mathematics.
4. Ascertain the correlation between field neutral cognitive styles and academic achievement of primary school pupils in Mathematics.

Research Questions

The following research questions guided the study:

1. What is the proportion of primary 5 pupils with the various cognitive styles?
2. What is the correlation between field dependent cognitive style and academic achievement of primary school pupils in Mathematics?
3. What is the correlation between field independent cognitive style and academic achievement of primary school pupils in Mathematics?
4. What is the correlation between field neutral cognitive styles and academic achievement of primary school pupils in Mathematics?

Hypotheses

The following null hypotheses guided the study and were tested at 0.05 level of significance;

HO_1: There is no significant correlation between field dependent cognitive styles and the academic achievement of primary school pupils in Mathematics.

HO_2: Field independent cognitive styles and the academic achievement of primary school pupils in Mathematics have no significant correlation.

HO_3: Field neutral cognitive styles and the academic achievement of primary school pupils in Mathematics have no significant correlation.

METHOD

Design of the Study

This study adopted a correlation survey research design. Correlation survey research design according to Nworgu (2015) seeks to establish what relationship exists between two or more variables. Correlation survey research design studies indicate the direction and magnitude of the relationship among the variables.

Participants

A total of 400 pupils in South-East, Nigeria participated in the study. The researchers took account of some inclusion criteria. Among these are pupils who must be within the age range of 8 to 15, must be at the primary level, both gender was included. The researchers also conducted the study in accordance with the ethical standards of the American Psychological Association (American Psychological Association, 2010).

Instruments for Data Collection

Two instruments were used for data collection for this study. They are; the Group Embedded Figure Test (GEFT) developed by Witkin, Oltman, Raskin& Karp (1971) and Pupils' achievement test score proforma. The Group Embedded Figure Test (GEFT) by Witkin et al (1971) was adopted for the study. It is a standardized instrument with a reliability estimate of 0.82. The test consists of three sections. Section one of the GEFT includes seven patterns mainly designed to warm up the respondents, sections two and three include nine patterns each. Each pattern is considered the dominant visual field and the respondents' ability to identify the labelled simple form within the pattern determines whether they are Field dependent, Field neutral or Field independent. The first seven patterns are given for practice purposes. The highest score on the GEFT is, therefore, 18. The respondents' total score is formed by the number of simple figures correctly traced in sections 2 and 3 of the test. Respondents were given 10 minutes to complete each part. Respondents whose scores fall from 0 to 8 were defined as field dependent, those who scored from 9 to 14 were defined as field neutral and those who score from 15 to 18 were labelled Field Independent learners (Wikin et al, 1971). The scores of pupils with field dependent, field neutral and field independent cognitive style were correlated with their achievement score.

Pupils' academic achievement proforma was used to collect achievement scores of the pupils in Mathematics for three terms. The average score of each pupil for the three terms (first, second and third term results) was determined. The average scores

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of pupils in Mathematics were correlated with their scores from the instrument that addressed their cognitive styles. Each instrument was numbered in such a way that a pupil was assigned a number that was written on all the instruments that concern him/her.

To ensure that the instrument is reliable for the present study, it was validated by experts in Childhood Education, Educational Psychologyand Measurement and Evaluation andpilot tested on 30 randomly selected pupils from different schools in Asaba, Delta state. Cronbach Alpha coefficient value of 0.84 was obtained, therefore it was considered to have satisfactory psychometric properties.

Method of Data Collection

Prior to the commencement of the research approval was sought from the Ministry of Education of the states where the schools used for the study are located. Furthermore, approval was sought from the head teachers of the participating schools. The head teachers gave their consent after being satisfied with the objective of the research. Thereafter, the head teachers informed the parents about the research at a Parent-Teachers Association (PTA) meeting where they unanimously consented since it does not expose their wards to any form of risk. To ensure confidentiality of responses, the researchers did not include any identification data such as name, phone number or contact address. Subsequently, the researcher with the help of three research assistants administered the instruments. The research assistants were briefed on how to distribute and collect data from the participants.

Method of Data Analysis

Data collected were analysed using Pearson's Product Moment Correlation Coefficient and regression analysis. Specifically, Mean, Standard Deviation, Pearson's Product Moment Correlation Coefficient and Coefficient of Determination were used to answer research questions. Regression ANOVA was used to test formulated hypothesis.

RESULTS

Results of Pearson Product Moment Correlation (PPMC) and Regression Analysis are presented in tables 1 to 7.

Research Question 1

What is the proportion of primary 5 pupils with the various cognitive styles?

Table 1. Frequency and percentage of the proportion of primary 5 pupils with the various cognitive styles

Cognitive Styles	Frequency	Percentage
Field dependent	220	55.0
Field neutral	148	37.0
Field Independent	32	8.0
Total	400	100.0

The result of the study as presented in Table 1 showed the proportion of primary 5 pupils with the various cognitive styles. The result of the study showed that 220 primary 5 pupils representing 55.0% had field dependent cognitive styles, 148 pupils representing 37.0% had field neutral cognitive styles while 32 pupils representing 8.0% had field independent cognitive styles. The finding of the study therefore showed that majority of the study pupils had field dependent cognitive styles (that is, the range of the scores ranged between 0 – 8).

Research Question 2

What is the correlation between field dependent cognitive style and academic achievement of primary school pupils in Mathematics?

Table 2. Pearson's Product Moment Correlation Field Dependent Cognitive Style and academic achievement of primary school pupils in Mathematics

Variable	$\overline{x}$	SD	N	r	R^2	
Field Dependent Cognitive Style	5.16	2.15	220	0.19	0.04	
Academic Achievement	61.6	814.33				

R^2 = coefficient of determination

Result in Table 2 shows that the correlation between field dependent cognitive style and academic achievement of primary school pupils was 0.19. This means there was a low positive relationship between field dependent cognitive style and academic achievement of primary five pupils. The coefficient of determination associated with 0.19 is 0.04. The coefficient of determination indicates that 4% of field dependent cognitive style accounted for primary school pupils' academic achievement in mathematics. This is an indication that 96% of the variation in pupils' academic achievement in mathematics is attributed to other factors other than field dependent cognitive style.

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Hypothesis 1

There is no significant correlation between field dependent cognitive styles and the academic achievement of primary school pupils in Mathematics.

Table 3. Regression Analysis of field dependent cognitive styles and primary school pupils' academic achievement.

Model	Sum of Squares	Df	Mean Square	F	Sig.
Regression	1623.254	1	1623.254	8.15	0.01
Residual	43379.605	218	198.989		
Total	45002.859	219			

$\alpha = 0.05$

The result in Table 3 shows that an F-ratio of 8.15 with associated probability value of 0.01 was obtained. This probability value of 0.01 is less than 0.05 level of significance set as bench mark for testing the hypothesis and it was found to be significant. The null hypothesis which stated that there is no significant correlation between field dependent cognitive styles and the academic achievement of primary school pupils in Mathematics is therefore rejected and inference drawn is that, there is a significant correlation between field dependent cognitive styles and the academic achievement of primary school pupils in Mathematics.

Research Question 3

What is the correlation between field independent cognitive style and academic achievement of primary school pupils in Mathematics?

Table 4. Pearson's Product Moment Correlation Field Independent Cognitive Style and academic achievement of primary school pupils in Mathematics

Variable	$\overline{x}$	SD	N	r	R^2	
Field Independent Cognitive Style	15.84	3.12	32	0.31	0.09	
Academic Achievement	63.4	87.16				

R^2 = coefficient of determination

Result in Table 4 shows that the correlation between field independent cognitive style and academic achievement of primary school pupils was 0.31. This means there was a low positive relationship between field independent cognitive style and academic achievement of primary five pupils. The coefficient of determination associated with 0.31 is 0.09. The coefficient of determination indicates that 9% of field independent cognitive style accounted for primary school pupils' academic achievement in mathematics. This is an indication that 91% of the variation in pupils' academic achievement in mathematics is attributed to other factors other than field independent cognitive style.

Hypothesis 2

There is no significant correlation between field independent cognitive styles and the academic achievement of primary school pupils in Mathematics.

Table 5. Regression Analysis of field independent cognitive styles and primary school pupils' academic achievement.

Model	Sum of Squares	Df	Mean Square	F	Sig.
Regression	869.032	1	869.032	3.155	0.08
Residual	8262.147	30	275.405		
Total	9131.180	31			

$\alpha = 0.05$

The result in Table 5 shows that an F-ratio of 3.15 with associated probability value of 0.08 was obtained. The probability value of 0.08 is greater than 0.05 level of significance set as bench mark for testing the hypothesis and it was found not to be significant. The null hypothesis which stated that there is no significant correlation between field independent cognitive styles and the academic achievement of primary school pupils in Mathematics is therefore not rejected and inference drawn is that, there is no significant correlation between field independent cognitive styles and the academic achievement of primary school pupils in Mathematics.

Research Question 4

What is the correlation between field neutral cognitive style and academic achievement of primary school pupils in Mathematics?

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Table 6. Pearson's Product Moment Correlation Field Neutral Cognitive Style and academic achievement of primary school pupils in Mathematics

Variable	$\overline{x}$	SD	N	r	R2
Field Neutral Cognitive Style	10.70	1.31	148	0.11	0.01
Academic Achievement	62.48	14.16			

R^2 = coefficient of determination

Result in Table 6 shows that the correlation between field neutral cognitive style and academic achievement of primary school pupils was 0.11. This means there was a low positive relationship between field neutral cognitive style and academic achievement of primary five pupils. The coefficient of determination associated with 0.11 is 0.01. The coefficient of determination indicates that 1% of field neutral cognitive style accounted for primary school pupils' academic achievement in mathematics. This is an indication that 99% of the variation in pupils' academic achievement in mathematics is attributed to other factors other than field neutral cognitive style.

Hypothesis 3
There is no significant correlation between field neutral cognitive styles and the academic achievement of primary school pupils in Mathematics.

Table 7. Regression Analysis of field neutral cognitive styles and primary school pupils' academic achievement.

Model	Sum ofSq	Df	Mean Square	F	Sig.
Regression	328.347	1	328.347	1.644	0.20
Residual	29166.293	146	199.769		
Total	29494.640	147			

$\alpha = 0.05$

The result in Table 7 shows that an F-ratio of 1.64 with associated probability value of 0.20 was obtained. The probability value of 0.20 is greater than 0.05 level of significance set as bench mark for testing the hypothesis and it was found not to be significant. The null hypothesis which stated that there is no significant correlation between field neutral cognitive styles and the academic achievement of primary school pupils in Mathematics is therefore not rejected and inference drawn is that, there is no significant correlation between field neutral cognitive styles and the academic achievement of primary school pupils in Mathematics.

DISCUSSION OF THE FINDINGS
The findings of the study were discussed in line with the research questions and hypotheses that guided the study.
The crux of research question one was on the proportion of primary school pupils in the different cognitive styles. The result of the study shows that a large number of the pupils have field-dependent cognitive style. This means that a greater percentage of the children operate without critical thinking. This is worrisome as no nation can survive without children who can think critically and solve problems that confront them.

There is a special advantage in being field dependent, field neutral or field independent. In other words, being field dependent, field neutral and field independent all have different roles to play in the improvement of academic achievement. However, studies have shown that field independent cognitive style performed higher than their field dependent counterpart (Yunusa&Tukur, 2011 and Dwyer & Moore, 2001). Teachers, parents and other stakeholders in the education of the primary school child are encouraged to devise means of making pupils more field independent to help them become critical thinkers that will contribute their quota to the betterment of themselves and the society at large. When pupils identify their appropriate cognitive styles and are able to meet up with that identified cognitive style to improve their achievement early especially at the primary school level, it will prepare them for the next level of education and even prepare them to face the challenges of life in general. This is because they will possess critical thinking skills required to function effectively and efficiently.

In addition, the result of the study shows that there was a low positive relationship between field-dependent cognitive style and academic achievement of primary five pupils. Furthermore, the result shows that there is significant correlation between field-dependent cognitive styles and the academic achievement of primary school pupils in Mathematics. The finding of the study corroborates the findings of Mbakwem&Mkpa(2003) which revealed that there was a significant difference in achievement between field dependent and field independent respondents. It also revealed that cognitive style has significant influence on students' academic achievement. The finding is at variance with that of Altun&Cakan (2006) who revealed that even when the effect of GPA on attitude score was removed field dependent and field independent students demonstrated similar attitudes towards computers. In order words, there was no significant relationship between cognitive styles (field dependent and field independent) and academic achievement.

The finding of this study is also parallel to that of Ruttun (2009)whichrevealed that there is no significant difference among students with different cognitive styles in the test-gain scores which show that all the students who took part in the experiment made improvement with the given learning system. The inference drawn therefore is that, there is a significant correlation between field dependent cognitive styles and the academic achievement of primary school pupils in Mathematics. This means that the sample of the study still depends on outer-directed learning rather than self-directed learning. This does not make for critical thinking and may be counter-productive to Nigeria's quest for technological development which must be laid at this foundational level of education.

Result of the study also shows that there was a low positive relationship between field independent cognitive style and academic achievement of primary five pupils. The result also shows that there is no significant correlation between field independent cognitive styles and academic achievement of primary school pupils in Mathematics. The finding of the study is consistent with that of Yunusa and Tukur (2011) whose major finding revealed that independent cognitive style students achieved significantly higher than their dependent cognitive style counterpart in Mathematics Achievement Test. The finding is also similar to that of Dwyer and Moore (2001) which reveals the field independent learners to be superior to field dependent learners on tests measuring different educational objectives. The finding of the study is also in consonance with Kozhevnikov (2007) where it was found that field independent individuals are likely to learn more effectively under conditions of intrinsic motivation and are influenced less by social reinforcement. The conclusion drawn therefore is that, there is no significant correlation between field independent cognitive styles and the academic achievement of primary school pupils in Mathematics. However, even though the relationship is low, the positive relationship between field independent cognitive styles and academic achievement means that pupils' achievement in Mathematics is likely to increase as their proneness to field independent cognitive style increases. Therefore, pupils' should be encouraged to adopt the field-independent cognitive style so that their academic achievement will be improved.

Furthermore,the results of the study show that there was a low positive relationship between field neutral cognitive style and academic achievement of primary five pupils. The coefficient of determination indicates that 1% of field neutral cognitive style accounted for primary school pupils' academic achievement in mathematics. This is an indication that 99% of the variation in pupils' academic achievement in mathematics is attributed to other factors other than field neutral cognitive style. In addition, there is no significant correlation between field neutral cognitive styles and the academic achievement of primary school pupils in Mathematics. The finding of the present study is consistent with the findings of Ipek(2011) who conducted a study on the effects of variations in text density levels and the cognitive style of field dependence on learning from CBI tutorial in Turkey.The result of the study revealed that no significant interaction was observed between the cognitive style of field dependence and text density levels on reading comprehension scores. It shows that cognitive style has no significant influence on achievement. The finding is at variance with that of Onyekuru (2015) who revealed that there was a significant relationship between field dependence-field independence cognitive style and gender. The conclusion therefore is that, there is no significant correlation between field neutral cognitive styles and the academic achievement of primary school pupils in Mathematics. What the findings of the present study (1% of field neutral cognitive style accounting for primary school pupils' achievement) implies is that in reality, pupils' cognitive styles are either inclined to field dependent or field independent hence neutrality in reality is non-existent, at least, on the basis of this study.

CONCLUSIONS

From the results of the study, it was concluded that majority of the pupils have field dependent cognitive styles and the pupils' cognitive styles correlated with their academic achievement in Mathematics.

RECOMMENDATIONS

Based on the findings of this study, the following recommendations were made;
1. The finding of the study showed that there is a significant correlation between academic achievement and the different cognitive styles. Childhood educators are therefore implored to be aware of the individual differences in children in their teaching and how these affect them academically in order to make for improved academic achievement.
2. The Federal and State Ministries of Education should organize and sponsor periodic workshops, conferences and seminars for childhood educators, parents, teachers and head-teachers on the different cognitive styles and how they affect learning in order to actualize high academic achievement of primary school pupils.

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The January 6, 2021 Riot, the USA FREEDOM Act of 2015, Thomas Hobbes, John Locke, and Controlling the Content of Extremist Material on the Internet

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ABSTRACT: The purpose of this essay is to discuss the January 6, 2021 riot and its relationship to the USA FREEDOM Act and to how Thomas Hobbes and John Locke would react to the content of extremist material on the Internet. The paper argues that the January 6, 2021 riot could be construed as an example of extremist behavior that may be regulated on the federal level. The possible opinions of Thomas Hobbes and John Locke are analyzed, demonstrating that in society, there is a wide range of opinions regarding how extremisms should be addressed. The answers are not clear-cut but require fine-tuning as high emotions dissipate and calmer minds prevail.

KEYWORDS: Extremist Material, January 6, 2021 Riot, John Locke, Thomas Hobbes, USA FREEDOM Act of 2015

Abbreviations:

The following abbreviations are used in this manuscript:

Abbreviation	Description
DNI	Director of National Intelligence
FISA	Foreign Intelligence Surveillance Act
USA FREEDOM Act	Uniting and Strengthening America by Fulfilling Rights and Ending Eavesdropping, Dragnet-collection, and Online Monitoring Act
USA PATRIOT Act	Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act

1. INTRODUCTION

On January 6, 2021, a crowd invaded the halls of Congress as people were climbing the outside walls of the building and rushing the doors. The mob entered the building, intent on confronting the members of Congress that Joseph Biden and the Democratic Party stole the November 3, 2020 election from Donald Trump and the Republican Party.[1][2] For a while, chaos reigned in the building. A Capital police officer fatally shot Ashli Babbitt while a stampede of fellow rioters crushed Rosanne Boyland. Kevin D. Greeson died of a heart attack, and Benjamin Philips died of a stroke. Capital Officer Brian D. Sicknick, an individual who was attacked by the mob, died the next day. Officer Jeffrey Smith of the Metropolitan Police and Officer Howard S. Liebengood of the Capital Police committed suicide, allegedly because of the riot.[3]

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[1] Erin Doherty, & Oriana Gonzalez, In photos: An hour-by-hour record of the Jan. 6 Capitol riot, Axios (Jan. 6, 2022), available at https://www.axios.com/capitol-riot-january-6-anniversary-c61435e4-f4c4-4f5a-b6d1-9c463ac7eed2.html.

[2] *See generally*, Thomas Dreisbach, Meg Anderson, & Barbara van Woerkom, *5 Takeaways from the Capitol Riot Criminal Cases, One Year Later*, NATIONAL PUBLIC RADIO (Jan. 5, 2022), *available at* https://www.npr.org/2022/01/05/1070199411/5-takeaways-from-the-capitol-riot-criminal-cases-one-year-later.

[3] Chris Cameron, *These Are the People Who Died in Connection With the Capitol Riot*, THE NEW YORK TIMES (Jan. 5, 2022), *available at* https://www.nytimes.com/2022/01/05/us/politics/jan-6-capitol-deaths.html.

The January 6, 2021 Riot, the USA FREEDOM Act of 2015, Thomas Hobbes, John Locke, and Controlling the Content of Extremist Material on the Internet

The reaction to the event has been mixed. Many Democratic members of Congress have declared that the events that took place on January 6, 2021, were an insurrection.[4] [5] However, of the individuals who have been charged and convicted of their illegal actions on that fateful day, as of January 6, 2022, no one has been charged or convicted of insurrection one year later.[6] More than 725 people have been arrested in connection with the Capitol riot. At least 165 have pleaded guilty (145 to misdemeanors and 20 to felonies). About 70 individuals were sentenced, 30 people received prison time, and 40 were given probation. The charges ranged from misdemeanors for parading or picketing inside the Capital building to felonies such as assaulting a police officer with a deadly weapon.[7] More conservative pundits have proclaimed that what happened on January 6, 2021, was not an insurrection at all but a riot.[8] [9] Jenkins observed that the word "insurrection" is inappropriate because there was no attempt to overthrow the federal government and form a new government.[10]

The events that occurred on January 6, 2021, will likely be hotly debated in the years to come. For years, the event's causes will probably be analyzed and digested ad nauseum. What is clear is that the participants of the January 6, 2021 mob were passionate about what they believed and the outcome they wanted – Donald Trump being reelected as President of the United States. Whether they were violent extremists that were hell-bent on achieving their goals or frustrated voters expressing their discontent with the November 3, 2020 election outcome is an open question. What is true is that whatever the answer is, the government must address the event in a way where justice, fairness, transparency, and the rule of law win in the end, and violent extremism loses.

2. USA FREEDOM Act of 2015

The USA FREEDOM Act (Pub. L. 114–23) is a United States law that was enacted on June 2, 2015. The Act either restored or modified provisions of the USA PATRIOT Act.[11] Initially, the title of the Act is a backronym for Uniting and Strengthening America by Fulfilling Rights and Ending Eavesdropping, Dragnet-collection, and Online Monitoring (USA FREEDOM) Act. The Act enacted a ban on Section 215 bulk data collection activities. It also mandated that the Foreign Intelligence Surveillance Act (FISA) court publish so-called "novel" interpretations of the law.[12] The Act does not explicitly specify whether it demands retroactive discloses of decisions before the Act was passed in 2105.

The USA FREEDOM Act consists of eight titles, including:[13]

- *Title I:* FISA Business Records;
- *Title II:* FISA Pen Register and Trap and Trace Device Reform;
- *Title III:* FISA Acquisitions Targeting Persons Outside the United States Reforms
- *Title IV:* Foreign Intelligence Surveillance Court Reforms;
- *Title V:* National Security Letter Reform;
- *Title VI:* FISA Transparency and Reporting Requirement;
- *Title VII:* Enhanced National Security Provisions; and
- *Title VIII:* Safety of Maritime Navigation and Nuclear Terrorism Conventions Implementation.

Title I bans bulk data collection under Section 215 of the USA PATRIOT Act.[14] It requires that the government specifically identify an individual, account, address, or personal device as reasonably practical. The government has reasonable suspicion that the item

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[4] Jonathan Tamari, & Julia Terruso, *'A clear and Present Danger.' Pa., N.J. Democrats Say Threats Remain a Year After the Jan. 6 Insurrection*, PHILADELPHIA INQUIRER (Jan. 6, 2022), *available at* https://www.inquirer.com/news/pa-jan-6-anniversary-casey-wild-kim-20220106.html.

[5] Charlie Savage, *Was the Jan. 6 Attack on the Capitol an Act of 'Terrorism'?*, THE NEW YORK TIMES (Jan. 7, 2022), *available at* https://www.nytimes.com/2022/01/07/us/politics/jan-6-terrorism-explainer.html.

[6] Ryan Lucas, *Where the Jan. 6 insurrection investigation stands, one year later*, NATIONAL PUBLIC RADIO (Jan. 6, 2022), *available at* https://www.npr.org/2022/01/06/1070736018/jan-6-anniversary-investigation-cases-defendants-justice.

[7] Id.

[8] Holman W. Jenkins, Jr., *Why the Jan. 6 'Big Lie' Narrative Will Fail*, THE WALL STREET JOURNAL (Jan. 7, 2022), *available at* https://www.wsj.com/articles/the-big-lie-narrative-will-fail-mainstream-media-jan-6-journalism-2020-election-capitol-riot-protest-trump-11641574341.

[9] The Editorial Board, *Democracy Isn't Dying*, THE WALL STREET JOURNAL (Jan. 5, 2022), *available at* https://www.wsj.com/articles/democracy-isnt-dying-capitol-riot-jan-6-donald-trump-election-11641421265.

[10] Holman W. Jenkins, Jr., *supra*, note 8.

[11] Jody C. Liu, *So what does the USA Freedom Act do anyway?*, LAWFARE, (June 03, 2015), *available at* https://www.lawfareblog.com/so-what-does-usa-freedom-act-do-anyway,

[12] Benjamin Wittes, & Jodie Liu, *So What's in the New USA Freedom Act, Anyway?*, LAWFARE (May 14, 20915), *available at* https://www.lawfareblog.com/so-whats-new-usa-freedom-act-anyway.

[13] USA Freedom Act of 2015 (Pub. L. 114-23), available at https://www.govinfo.gov/content/pkg/PLAW-114publ23/html/PLAW-114publ23.htm.

[14] Jody C. Liu, *supra*, note 11.

is affiliated with a foreign state. All collateral data collected must be destroyed. Title II concerns pen registers and trap and trace devices.[15] Like Title I, Title II bans bulk data collection except if the item to be collected is accurately described. Titles III addresses data collection issues under Section 702 of the USA PATRIOT Act.[16] Title III excludes any data collected under Section 702 via procedures thought to be deficient by a FISA court regarding a United States citizen. The government may neither use nor disclose such information.

Title IV reforms the FISA court. It allows amici curiae to be appointed by the FISA court when there is a novel or significant interpretation of the law.[17] It also provides for a limited appellate review, and it requires the Director of National Intelligence (DNI) to implement a declassification review of FISA court opinions involving a significant construction or interpretation of the law. Title V modifies the National Security Letter program by extending the ban on bulk data collection except if the application is predicated on a specific selection term.

Title VI specifies extensive disclosure requirements regarding FISA data collection.[18] The government must disclose to Congress, and the public statistics about the number of orders and certifications sought and received, an estimate of the number of individuals targeted and affected by surveillance, the number of amici curiae appointments, etc. Title VII concerns the targeting of non-United States citizens. Title VII establishes an emergency exception that permits the government to target so-called "roamers," or individuals who are not United States citizens but suddenly show up inside America. Furthermore, according to Liu, the title expands the definition of an "agent of a foreign power" to include non-U.S. people who:[19]

- Are lawful targets under conventional FISA warrants, but are improper objectives after they leave the United States;
- Engage in proliferating weapons of mass destruction or preparation of activities thereof; or
- Knowingly aid or abet or knowingly conspire with a third party in activities connected with the global proliferation of mass destruction.

Finally, Title VIII is concerned with the international obligations of the United States regarding maritime safety and nuclear terrorism.[20]

The Philosophers Thomas Hobbes and John Locke

This section aims to review the philosophies of Thomas Hobbes and John Locke. Each philosopher's writings will be discussed in turn.

Summary of Hobbes' Philosophy

As a supporter of Charles I, King of England, Scotland, and Ireland, Hobbes believed in an absolute monarchy, or in modern terms, a dictator where the decisions of government rested in one individual.[21] Hobbes believed in a social contract where the rights of the people are subject to the will of the ruler.[22] He thought that when individuals were left to their own devices, they gave little consideration to their fellow human beings. In other words, people are selfish rather than altruistic.[23] Hobbes felt that control by a monarch or a dictator is inescapable to ensure order within society.[24] The philosopher demanded that the people obey the government to uphold law and order.[25] Finally, Hobbes posited that citizens should be obedient servants to a monarch or dictator, even if the government is cruel or violent.[26]

Summary of Locke's Philosophy

In contrast, Locke did not believe in absolute monarchies. This is not surprising given that the *Two Treatises of Government* were published in 1690 at the beginning of the reign of William of Orange and his wife Mary, and after the Glorious Revolution of 1688, where James II was deposed.[27] Fundamentally, Locke believed in parliamentary government, where the members of

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[15] Id.

[16] Id.

[17] Id.

[18] Id.

[19] Id.

[20] Id.

[21] G. Williams, *Thomas Hobbes: Moral and Political Philosophy*, INTERNET ENCYCLOPEDIA OF PHILOSOPHY, (n.d.), *available at* https://www.iep.utm.edu/hobmoral/.

[22] Id.

[23] Id.

[24] Id.

[25] Id.

[26] Id.

[27] M. ASHLEY, THE GLORIOUS REVOLUTION OF 1688 (Charles Scribner's Sons 1996).

Parliament owned property or ran businesses.[28] [29] According to Locke, all human beings are born with the inalienable rights to life, liberty, and property. As far as the social contract is concerned, Locke believed that the agreement was not merely amongst the people where the monarch or dictator acted as a supervisor as espoused by Hobbes. Instead, the social contract was between the people and the sovereign. If a monarch or a dictator violates the people's inalienable rights, Locke believed that the social contract could devolve into tyranny.

For Locke, the most important of the three was not life or liberty but for the right to own property as long as the rights of others were not violated.[30] Locke opined that the purpose of a government or a king was to protect the rights of the citizenry.[31] Locke felt that the supreme authority of government resided in the legislature and not in the King. Parliament was solely responsible for creating courts with limited involvement from the monarchy.

An Analytical Analysis of the USA FREEDOM Act

Rather than attempting to argue whether or not Hobbes or Locke would favor the USA FREEDOM Act as a whole, it is a much more fruitful approach to analyze the positions of these two philosophers on a title-by-title basis. The reason is that it is likely that Hobbes or Locke would agree with the content of some of the titles and not others. It is conceivable that these two philosophers might agree or disagree with the Act in its entirety, but this conclusion would have more weight after conducting a title-by-title analysis and discussion.

Hobbes and the USA FREEDOM Act of 2015

Hobbes' notion of the social contract is that the citizenry contracts with each other, and the purpose of the monarch is to ensure that the citizenry honors the contract.[32] Essentially, the King rules divinely to safeguard the rights of their subjects.[33] For Hobbes, the monarch enacted the USA FREEDOM Act to guarantee the people's peaceful interactions, economic, political, and otherwise.[34]

Because Hobbes was a rabid monarchist, he would probably favor Title I because the purpose of the title is to gather information on specific individuals who are possible enemies of the state. However, Hobbes would most likely disagree with the destruction of collateral data. Collateral data has intrinsic value that would preclude it from being obliterated. There are economies of effort at work here.[35] Hobbes would more than likely put himself in the position of the King, and it would be a waste of precious tax dollars to destroy data, only to collect it a second time when a citizen becomes a person of interest in the future.[36]

Hobbes would probably assume that Title II, which deals with pen registers and trap and trace devices, would be anathema. In Title II, the item to be collected had to be explicitly described.[37] Hobbes would be against Title II for the same reason that he would favor *Writs of Assistance*.[38] In 18th Century England, *Writs of Assistance* allowed petty government officials to search wherever the courts deemed fit.[39] In a famous Pre-Revolutionary speech, James Otis, a Massachusetts colonial attorney, denounced Writs of Assistance as the "worst instrument of arbitrary power" because it placed "the liberty of every man in the hands of a petty officer."[40] It was not until 100 years had passed since the publication of the Leviathan in 1650 that in Entick v. Carrington, the King's Bench rejected the idea that libelous materials could be searched for and seized by whomever wherever the Secretary of State deemed appropriate.[41] Lord Camden pronounced that the offense was in the government agent's reading and examining the papers.[42]

If Hobbes were the monarch, he would probably favor Title III because the title excludes data collected under Section 702 of the USA PATRIOT Act that a FISA court thought to be deficient.[43] Hobbes would want the data to be presented to a court to be

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[28] *Hobbes, Locke, Montesquieu, and Rousseau on Government*, CONSTITUTIONAL RIGHTS FOUNDATION, (n.d.), *available at* http://www.crf-usa.org/bill-of-rights-in-action/bria-20-2-c-hobbes-locke-montesquieu-and-rousseau-on-government.html.

[29] A. Mosley, *John Locke: Political philosophy*, INTERNET ENCYCLOPEDIA OF PHILOSOPHY, *available at* https://www.iep.utm.edu/locke-po/.

[30] P. J. Connolly, *John Locke (1632—1704)*, INTERNET ENCYCLOPEDIA OF PHILOSOPHY, (n.d.), https://www.iep.utm.edu/locke/.

[31] Id.

[32] *Hobbes, Locke, et al.*, *supra*, note 28.

[33] Id.

[34] Id.

[35] P. KRUGMAN & R. WELLS, ECONOMICS (Worth Publishers. 2017).

[36] *Hobbes, Locke, et al.*, *supra*, note 28.

[37] Liu, supra, note 11.

[38] J. Otis, *In Opposition to Writs of Assistance*, (1761), *available at* http://www.bartleby.com/268/8/9

[39] Id.

[40] Id.

[41] *Entick v. Carrington*, 19 How. St. Tr. 1029 [1765], *available at* https://learninglink.oup.com/static/5c0e79ef50eddf00160f35ad/casebook_19.htm.

[42] Id.

[43] Liu, *supra*, note 11.

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sufficient whether to convict or acquit one of his subjects. Title IV is an intriguing title because it permits amici curiae to be appointed by a court provided that there is a novel or significant interpretation of the law.[44] There is likely no reason why Hobbes would be against Title IV because he would want the public to perceive that the King's Courts were fair. This public perception would enhance the monarch's reign because the people would reject the notion that the sovereign was a tyrant. With the beheading of Charles I on January 30, 1649, the perception of being a tyrant had dire consequences.[45]

As argued for Title I, Hobbes would likely not approve of Title V because this title bans bulk data collection except if specific data is being collected. Title VI is related to the disclosure of the information being collected.[46] Hobbes would most likely be against this title because he was an advocate for the divine right of kings, and this title requires the sharing of data with Congress.[47] As for Title VII, it seems that Hobbes would favor the title because it is about how to address the activities of foreign agents. If Hobbes were King, he would be keenly interested in preserving his reign and not going the way of Charles I in 1649.[48] Finally, Title VIII deals with international obligations.[49] Hobbes would most likely be for Title VII because traditionally, foreign affairs are within the domain of a sovereign.

In summary, when briefly analyzing Hobbes' position regarding the USA FREEDOM Act on a title-by-title basis, it is apparent that some titles would be to his liking, whereas other titles would not. It is what was expected.

3. Locke and the USA FREEDOM Act of 2015

For Locke, the social contract is between the citizenry and the government.[50] The subjects of the King have the inalienable right to life, liberty, and property (Mosley, n.d.). For Locke, the purpose of the USA FREEDOM Act would be to warrant and protect these inalienable rights. Thus, it would be entirely appropriate for the government to pass the Act into law, provided that its purpose was to make sure that these inalienable rights are not seriously threatened.[51]

In 1690, John Locke published his *Two Treatises*.[52] It was at the beginning of the reign of William and Mary of the House of Hapsburg.[53] The Glorious Revolution of 1688 had just occurred, and James II, the last of the Stuarts to sit on the English throne, was deposed.[54] Title I would probably be a sweet sound to Locke's ears. Under Section 215 of the USA PATRIOT Act, the title permitted bulk data collection.[55] [56] Locke would also favor Title II because it bans the wholesale collection of telephone metadata. Although Alexander Graham Bell invented telephones in the 19th Century, the 17th Century equivalent of a telephone conversation would probably be a personal conversation with a compatriot at the local English pub.[57]

Title III excludes any data collected under Section 702 derived from procedures thought to be deficient by a FISA court.[58] Locke would support this title because he believed that the Parliament and the courts created by Parliament should dominate a nation's government. Thus, the courts, the upholders of public morality, should possess unquestionable integrity, and Locke would abhor hence insufficient data. Title IV permits amici curiae to be appointed by a FISA court under limited circumstances.[59] Locke would likely affirm Title IV for the same reason that he would favor Title III. Because Title V modifies the National Security Letter program banning bulk data collection, Locke would vote yea for this title once again.

Locke would likely approve because Title VI demands extensive disclosure requirements for FISA data collection to Congress and the public. Locke wrote that life, liberty, and property were inalienable rights, where the right to own property is of supreme importance.[60] Locke would say that the Title VI statistics revealed would not violate these three rights provided that the

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[44] Liu, *supra*, note 11.
[45] C. CARLTON, CHARLES I: THE PERSONAL MONARCH (Routledge 2nd ed. 1995).
[46] Liu, *supra*, note 11.
[47] Id.
[48] Carlton, *supra*, note 45.
[49] Liu, *supra*, note 11.
[50] Mosley, *supra*, note 29.
[51] Id.
[52] JOHN LOCKE, TWO TREATISES OF GOVERNMENT (Awnsham Churchill, at the Black Swan in Ave-Mary-Lane at Amen-Corner 1690).
[53] Ashley, *supra*, note 27.
[54] Id.
[55] *Fact Sheet: Section 215 of the USA PATRIOT Act*, CENTER FOR STRATEGIC AND INTERNATIONAL STUDIES (2014), available at https://www.csis.org/analysis/fact-sheet-section-215-usa-patriot-act.
[56] Katniss Li, *Section 215 of the Patriot Act Expected to Sunset in December*, JOLT DIGEST (Oct. 28, 2019), *available at* https://jolt.law.harvard.edu/digest/section-215-of-the-patriot-act-expected-to-sunset-in-december.
[57] C. GRAY, RELUCTANT GENIUS: THE PASSIONATE LIFE AND INVENTIVE MIND OF ALEXANDER GRAHAM BELL (Arcade 2006).
[58] Lui, *supra*, note 11.
[59] Id.
[60] Mosley, *supra*, note 29.

data disclosed was statistical rather than specific content data. Foreign intrigue is always a burning issue. Many individuals and foreign states desire to remove an independent government and replace it with a vassal government. For this reason, Locke would likely support both Title VII and Title VIII. Since the dawn of history, foreign affairs have been the domain of sovereign states.[61] Locke would probably readily acknowledge this fact.

In summary, when briefly analyzing Locke's position regarding the USA FREEDOM Act on a title-by-title basis, it is apparent that all of the titles would be to his liking. This is good news because it demonstrates that one of the founders of democratic governments at the dawn of the Enlightenment would have favored the USA FREEDOM Act, a law consistent with the principles of democracy in this modern age.

The Two Philosophical Approaches and the USA FREEDOM Act of 2015

Initially, one could conceive that Hobbes would favor the Act. He supported an absolute monarchy, whereas Locke would be against the Act because he is considered a champion of liberty. However, when analyzing the positions of the two philosophers on a title-by-title basis, it is surprising that Hobbes would probably be against some of the Act's titles.

When analyzing Locke's potential reaction to the Act on a title-by-title basis, it is interesting to observe that he would probably be a proponent of the Act rather than an opponent. If one is a champion of liberty, one would likely believe that Locke would see the USA FREEDOM Act as an abridgment of liberty, but given his social contract ideas, he would argue that the state has a rational basis to protect its citizens. Thus, the existence of the Act could be morally justified. With the social contract argument settled, an analysis on a title-by-title basis is reasonable.

4. CONTROLLING EXTREMISM

In justifying the possible control and limitations of extremist material on the Internet independent of the technological feasibility, federal law is probably needed to allow the federal government to recommend and enforce such oversight.[62] This is a problem of censorship and the possible abridgment of the First Amendment rights of freedom of the press. The First Amendment applies to speech that we Americans find acceptable[63] and to speech that we find to be hateful or incendiary.[64] The proposed law should be good in that it will not be overturned as unconstitutional. Two candidates are relevant here; namely, the *Espionage Act of 1917*[65] and the *Sedition Act of 1918*.[66] Both laws limit First Amendment free speech rights and are still good laws, even though they are 100 years old. Finally, the recent *USA PATRIOT Act* and its extension, the *USA FREEDOM Act*. These laws supply the basis for concluding that restricting extremist material is entirely appropriate.

In contrast, if the extremist material originates in organizations domiciled organizations in the United States, then the case law suggests that it is speech protected under the First Amendment. Some relevant cases help answer the assignment's questions, beginning with *Beauharnais*,[67] and ending with *Matal*,[68] previously known as *Lee v. Tam*. The holdings of these cases will be briefly outlined so that a more nuanced response can be provided.

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[61] *See generally:* HENDRIK SPRUYT, THE SOVEREIGN STATE AND ITS COMPETITORS (Princeton University Press 1994).

[62] Brad Schneider, *Domestic Terrorism Prevention Act (DTPA) of 2021*, CONGRESSMAN BRAD SCHNEIDER (Jan. 19, 2021), *available at* https://schneider.house.gov/media/press-releases/domestic-terrorism-prevention-act-dtpa-2021-introduced-house. Generally, this law on domestic terrorism could be the basis of a federal law against extremeism both domestically and internationally.

[63] Stephen J. Ceci, & Wendy M. Williams, *Who Decides What Is Acceptable Speech on Campus? Why Restricting Free Speech Is Not the Answer*, PERSPECTIVES ON PSYCHOLOGICAL SCIENCE (May 2, 2018), *available at* https://journals.sagepub.com/eprint/I6zYjCxgsdtnFbmPm9FI/full.

[64] *Chaplinsky v New Hampshire*, 315 U.S. 568 (1942), *available at* https://supreme.justia.com/cases/federal/us/315/568/#tab-opinion-1937331. Here, fighting words are words that by speaking such words inflict injury or tend to incite an immediate breach of the peace.

[65] *Espionage Act of 1917*, DIGITAL HISTORY, *available at* https://www.digitalhistory.uh.edu/disp_textbook.cfm?smtid=3&psid=3904.

[66] Christina L. Boyd, *Sedition Act of 1918 (1918)*, THE FIRST AMENDMENT ENCYCLOPEDIA (n.d.), *available at* https://www.mtsu.edu/first-amendment/article/1239/sedition-act-of-1918.

[67] See *Beauharnais v. Illinois*, 343 U.S. 250 (1952), *available at* https://supreme.justia.com/cases/federal/us/343/250/. Here, the Supreme Court held that speech that was made by the defendant breached the U.S. libel laws, and was not protected by the First and Fourteenth Amendments.

[68] See *Matal v. Tam*, 582 U.S. ___ (2017), *available at* https://supreme.justia.com/cases/federal/us/582/15-1293/#tab-opinion-3749203. Here, the Court opined that the Lanham Act provisions that prohibited trademark registrations that denigrate persons, institutions, beliefs, or national symbols violated the First Amendment.

The January 6, 2021 Riot, the USA FREEDOM Act of 2015, Thomas Hobbes, John Locke, and Controlling the Content of Extremist Material on the Internet

Arguments in Favor of Restricting the Extremist Material

This section outlines the Espionage Act of 1917, the Sedition Act of 1918, the USA PATRIOT Act, the USA FREEDOM Act, and the Hobbesian justification for restricting extremist material.

Espionage Act of 1917

The *Espionage Act of 1917* became law on June 15, 1917, shortly after the United States entered World War I.[69] The Act was passed along with the *Trading with the Enemy Act of 1917*[70] and was based on the *Defense Secrets Act of 1911*.[71] The *Trading with the Enemy Act* made it illegal to obtain or deliver information that related to national defense to any person not entitled to receive it. The *Espionage Act* intended to prevent individuals from interfering with military operations and the recruitment of soldiers. The Act also prevented United States citizens from supporting the enemies of the United States during wartime.[72] In *Schenck v. United States*, 249 US 47 (1919), the Court ruled that the *Espionage Act* did not violate the First Amendment.[73] The constitutionality of the *Espionage Act* has been a legal issue ever since *Schenck* was decided.

Sedition Act of 1918

The *Sedition Act of 1918* expanded the *Espionage Act of 1917* by ensuring that speech that belittled the federal government or obstructed the sale of government bonds was illegal.[74] The *Sedition Act* made it illegal to use disloyal, profane, or abusive language about the federal government, the United States flag, the military, or caused other people to perceive the government contemptuously.[75] The Act also permitted the United States Postmaster General to refuse to deliver mail that satisfied these standards.[76] Some notable individuals were convicted under the Act, including the Socialist Eugene V. Debs, who received a 10-year prison sentence.[77] The *Sedition Act* was repealed in 1920.[78]

USA PATRIOT and USA FREEDOM Acts

In *Holder*, the Supreme Court dealt with the *USA PATRIOT Act's* prohibition against giving material support to foreign terrorist organizations.[79] The *Humanitarian Law Project* was the first case in American jurisprudence that passed the *Brandenburg* test.[80] The Court decided that in the *USA PATRIOT Act*, Congress had intended to stop aid to such groups even if the purpose of the aid was to bring about peace. The reason was that the assistance was not consistent with the Act's definition of "training" or "expert advice or assistance," "service," and "personnel."[81] The Court thought that such aid could turn a terrorist group into a legitimate organization.[82] It should be noted that the *USA FREEDOM Act* was primarily an extension of the USA PATRIOT Act and thus would also support the restricting of extremist material.

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[69] Harold Edgar & Benno C. Schmidt Jr., *The Espionage Statutes and the Publication of Defense Information*, 73 COLUMBIA L. REV. 5, (May 1973), *available at* https://fas.org/sgp/library/edgar.pdf.

[70] THE TRADING WITH THE ENEMY ACT (40 Stat. 411, enacted 6 October 1917, codified at 12 U.S.C. §§ 95a–95b and 50 U.S.C. App. §§ 1–44) restricts trade with countries that are hostile to the United States, giving power to the President to restrict trade using executive orders.

[71] The Defense Secrets Act of 1911 (Pub. L. 61–470) was one of the first American that criminalized the disclosure of government secrets.

[72] Edgar & Schmidt, *supra*, note 69.

[73] See *Schenck v. United States*, 249 U.S. 47 (1919), *available at* https://supreme.justia.com/cases/federal/us/249/47/. Here the Court opined that the *Espionage Act of 1917* did not violate a person rights of free speech under the First Amendment when convicted under the Act.

[74] GEOFFREY R. STONE, PERILOUS TIMES: FREE SPEECH IN WARTIME FROM THE SEDITION ACT OF 1798 TO THE WAR ON TERRORISM (NY: W. W. Norton & Company, 2004)

[75] Id.

[76] Id.

[77] *Digital History*, THE SEDITION ACT OF 1918, (2016), *available at*
http://www.digitalhistory.uh.edu/disp_textbook.cfm?smtID=3&psid=3903.

[78] Id.

[79] See *Holder v. Humanitarian Law Project*, 561 U.S. 1 (2010), *available at*
https://supreme.justia.com/cases/federal/us/561/1/#tab-opinion-1963363. Here, the Court ruled against the Humanitarian Law Project (HLP). The HLP wanted to help the Kurdistan Workers' Party in Turkey and Sri Lanka's Liberation Tigers of Tamil Eelam learn how to peacefully settle conflicts.

[80] EUGENE VOLOKH, THE FIRST AMENDMENT AND RELATED STATUTES: PROBLEMS, CASES AND POLICY ARGUMENTS 259 (Foundation Press, 4th ed. 2011). See a discussion of *Brandenburg v. Ohio* below.

[81] See the definitions of these terms in 18 U.S. Code § 2339B.

[82] *Humanitarian Law Project*, 561 U.S., *supra*, note 79.

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Hobbesian Justification

In the *Leviathan*, Hobbs argued that a sovereign's subjects enter into a basic contract with the sovereign.[83] A subject yields his or her right of self-defense and attack, while the sovereign gains the power of life and death over the sovereign's subject, a right that is ceded to the sovereign. The secession of these rights is independent of the sovereign's rules or laws. In other words, there are no subsequent conditions, either expressed or implied, that either voided the social contract or made the social contract voidable.[84] Thus, in Hobbes' view, rebellion against the *Espionage Act* or the *Sedition Act* was unjustified.

ARGUMENTS AGAINST RESTRICTING THE EXTREMIST MATERIAL
Beauharnais, Terminiello, and Brandenburg

As was previously stated, *Beauharnais*, the Court held that the defendant's speech breached United States libel laws and was not protected by the First and Fourteenth Amendments.[85] In *Terminiello*,[86][87] in writing for the majority, Justice William O. Douglas wrote that speech is "protected against censorship or punishment unless shown likely to reduce a clear and present danger of a serious substantive evil that rises far above public inconvenience, annoyance, or unrest."[88] In *Brandenburg*, the Court concluded that government could not punish speech that is inflammatory unless it is "directed to inciting or producing imminent lawless action and is likely to incite or produce such action."[89][90]

Village of Skokie and R.A.V.

In the *Village of Skokie*, in a 5-4 *per curiam* opinion, the Court opined that the Nazi Party's request to have a parade in Skokie, a predominately Jewish community, where the Nazi swastika was publicly displayed, did not violate the First Amendment because it was a symbolic form of free speech.[91][92] In *RAV*, the Court unanimously struck down St. Paul, Minnesota's Bias-Motivated Crime Ordinance. The Court also reversed the conviction of a teenager (a.k.a., RAV) for burning a cross on the front lawn of an African American family because it violated the teenagers' First Amendment rights of free speech.[93]

Black, Snyder, and Matal

In *Black*, the Court struck down a Virginia statute that considered the burning of a cross *prima facie* evidence of intent to intimidate because the state law blurred the distinction between a "threat to intimidate" and a "message of shared ideology."[94] Even so, the Court observed that if intent can be proven beyond a reasonable doubt, then the perpetrators committed a crime.[95] In *Snyder*, the Court ruled speech on a public matter on a public street does not form the basis for liability under the intentional tort of emotional

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[83] *Leviathan* Thomas Hobbes Book II Chapters 20-24, *Sparknotes*, (n.d.), *available at* http://www.sparknotes.com/philosophy/leviathan/section7/.

[84] Id.

[85] See *Beauharnais*, 343 U.S., *supra*, note 67.

[86] See *Terminiello v. Chicago*, 337 U.S. 1 (1949), *available at* https://supreme.justia.com/cases/federal/us/337/1/. Here, Arthur Terminiello, a defrocked Catholic priest repeatedly attacked Jews, communists, and liberals. In February 1946, a scuffle occurred in Chicago, and Terminiello was arrested for inciting a riot.

[87] Tom Head, *6 Major US Supreme Court Hate Speech Cases*, Thoughtco., (February 19, 2018), *available at* https://www.thoughtco.com/hate-speech-cases-721215.

[88] Id.

[89] *Brandenburg v. Ohio*, 395 U.S. 444, 447 (1969), *available at* https://supreme.justia.com/cases/federal/us/395/444/. Here, Clarence Brandenburg, a leader of the Ku Klux Klan (KKK) in rural Ohio, contacted a Cincinnati television station reporter, inviting him to report on a KKK rally to be held in Hamilton County in 1964. The rally was filmed, and showed men in white robes carrying guns, burning a cross, and making speeches against "Niggers," "Jews," and anyone else who supported them.

[90] Tom Head, *supra*, note 87.

[91] *National Socialist Party v. Village of Skokie*, 432 U.S. 43 (1977), *available at* https://supreme.justia.com/cases/federal/us/432/43/. In In 1977, Frank Collin who led the National Socialist Party of America (NSPA) at that time publicized that the NSPA wanted to march through Skokie, Illinois, mostly a Jewish community. Because of the unrest in the Jewish community the local government demanded that the NSPA post a public safety bond, and barred any demonstrations in Marquette Park.

[92] Tom Head, *supra*, note 87.

[93] *R.A.V. v. City of St. Paul*, 505 U.S. 377, 380 (1992), *available at* https://supreme.justia.com/cases/federal/us/505/377/.

[94] *Virginia v. Black*, 538 U.S. 343 (2003), *available at* https://supreme.justia.com/cases/federal/us/538/343/. On May 2, 1998, and in Virginia Beach, Virginia, Richard Elliot and Jonathan O'Meara tried to burn a cross on the property Elliot's neighbor who was African American. Furthermore, on August 22, 1998 Barry Black conducted a Ku Klux Klan rally on private property. He had the consent of the owner of the property which was located in Carroll County, Virginia. Both a neighbor and the county sheriff witnessed the event, hearing racial epitaphs against African Americans. Black was arrested and charged with defying a Virginia law that made cross burnings illegal. Elliot, O'Meara, and Black were all found guilty.

[95] Id.

distress, even when the speech was offensive or outrageous.[96] In *Matal*, the Court held that the Lanham Act provisions that prohibited trademark registrations that denigrate persons, institutions, beliefs, or national symbols violated the First Amendment.[97]

Lockean Justification

In the *Two Treatises*, Locke perceived the state of nature to be benign.[98] In other words, the sovereign could impose rules and laws on the citizenry that was so onerous and burdensome that the rules and laws should be struck down, or the people should throw off the sovereign in favor of a new form of government.[99] Based on the cases discussed and the fact that Thomas Jefferson and the other founding fathers were disciples of Locke, Locke would likely cheer on the Court's holdings, pointing out that the Court was championing the people's liberty.[100] Even though a revolution is a distinct possibility for Locke, he would probably agree that preserving liberty through law is better than engaging in a violent revolution.[101]

5. CONCLUSIONS

On January 6, 2021, a crowd invaded the halls of Congress as people were climbing the outside walls of the building and rushing the doors. Some pundits and politicians believed that the event was an insurrection, whereas others felt a riot had happened. Hundreds of individuals have been arrested, but as of January 6, 2022, no one was charged or convicted of insurrection. The participants in the event sincerely believed that voter fraud had occurred and that Donald Trump was being denied a second term as President of the United States. Whether this belief is based on fact is an open question. It will probably be decided years from now as more information becomes publicly available. Even so, one thing is for sure. Many people in this country believe that questioning the election of Joseph Biden as President is an act of extremism. The issue is that when does the right of free assembly as guaranteed in the First Amendment break the law and descend into extremism.

It should be remembered that the prohibition against extremist material on the Internet, or otherwise, may be justified if the organization promoting the content was an organization originating in a country other than the United States. The justification would then be based on the *Defense Secrets Act of 1911,* the *Trading with the Enemy Act of 1917*, the *Espionage Act of 1917*, the *USA PATRIOT Act of 2001*, and its extension, the *USA FREEDOM Act of 2015*. In contrast, if the extremist material originates inside the United States from organizations based in America, then the case law discussed above indicates that extreme material would probably not be restricted because to do so would breach the First Amendment rights to free speech of the citizenry.

This essay has attempted to reconcile First Amendment rights with federal law and Supreme Court case law. It is a tricky balancing act in these days of intense political feelings and actions. Hopefully, this attempt has been successful.

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[97] *Matal*, 582 U.S. ___, 2, *supra,* note 68. In a unanimous decision, Justice Alito, writing for the majority, boldly proclaimed that "The disparagement clause violates the First Amendment's Free Speech Clause. Contrary to the Government's contention, trademarks are private, not government speech."

[98] Locke, *supra*, note 52.

[99] Id.

[100] Kenny Cota, *How did John Locke influence Thomas Jefferson?*, QUORA, (November 24, 2017), *available at* https://www.quora.com/How-did-John-Locke-influence-Thomas-Jefferson.

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Optimization of the Synergy of the TNI, Polri and Ministry/Institutions in Managing Papua Terrorist Groups to Realize Indonesia's Integrity

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ABSTRACT: The security situation in Papua has recently escalated and tends to heat up. Responding to the escalation and violence that occurred in Papua, ensure that the government has categorized the Papuan Armed Criminal Group and all organizations and people who are members of it, and who support the movement, as terrorists. The increasing security situation in the Papua region is an urgency for the need for a comprehensive approach between the TNI, Polri, Satkowil, Regional Government, Ministry and Institutions to synergize in order to reduce the Papua conflict. The theory used in analyzing this problem is the theory of optimization, synergy, counter insurgency, the concept of terrorism, and the concept of national defense. The method that the researcher uses is a qualitative method with a phenomenological approach, based on the researcher's experience while on duty in Papua. The results of this study indicate that synergies between institutions / ministries have been carried out in the form of dialogue, a soft power approach within the OMSP framework, as well as empowerment of local communities by synergizing with local governments. However, with the ongoing conflict and several escalations that occur, this shows that the synergy is still not optimal enough.

KEYWORDS: Papua, Synergy, Terrorists, Ministries/Agencies, Armed Criminal Groups

1. INTRODUCTION

Indonesia is one of the countries in the world that is blessed with a pluralistic society and has ethnic heterogeneity. This diversity is horizontally marked by the fact that there are social units based on differences in ethnicity, religion, customs and primordialism. With such a complex social structure, Indonesia is faced with the potential threat of inter-ethnic conflict, social inequality and challenges to the integrity of the Unitary Republic of Indonesia. In order to maintain the territorial integrity of the Unitary State of the Republic of Indonesia as a sovereign nation and state, the Indonesian National Armed Forces (TNI) as the main component of the National Defense System together with the people have carried out several national defense efforts. This effort started from the suppression of the rebellion in the PKI incident in Madiun (1948), the DI/TII rebellion (1950), the Liberation of West Irian (1961), Operation Dwikora (1963), the suppression of the G30S/PKI (1965), and Operation Seroja (1974-2014). 1999) [1]

The security situation in Papua has recently escalated and tends to heat up. Various demonstrations against the special autonomy status (Otsus) and shooting incidents due to armed conflict continue to take lives, from civilians, community leaders to security forces. In relation to this armed contact, the TNI had released that it was carried out by the Terrorist Group, the designation attached to the West Papua National Liberation Army-Free Papua Organization (TPNPB-OPM) aimed at seeking attention for the UN General Assembly. Then, in September 2020 a number of demonstrations against Otsus were also rampant in Papua, one of which was demonstrations against the implementation of Papua's Special Autonomy Volume II around Cendrawasih University, Jayapura, Papua.

From the various problems that have occurred in Papua and several descriptions of the approaches that can be taken in the region, it can be seen that the synergy between institutions, in this case the related Ministries/Agencies, the Police and the TNI, is something that is needed in Papua. Through this approach, it is hoped that conflict resolution in the region can be optimal and comprehensive, so that it can touch the root causes of the conflict. As referring to the concept of the Indonesian state defense system which adheres to the universal people's defense and security system (sishankamrata), in this case the TNI and the Indonesian National Police play an important role as the main force and the people as a supporting force.[2] This Sisnhamkarata in its implementation involves all elements in order to realize national defense. In the case of the Papua issue, the implementation of the Sishankamrata can be realized through synergy between institutions, including the TNI, Polri, and Ministries/Institutions in an effort to establish the integrity of the Unitary State of the Republic of Indonesia in Papua. This is what the researcher discusses and analyzes in the next section.

Optimization of the Synergy of the TNI, Polri and Ministry/Institutions in Managing Papua Terrorist Groups to Realize Indonesia's Integrity

II. METHOD AND THEORY

This research uses qualitative research. Qualitative methods put more emphasis on observing phenomena and examining the substance of the meaning of these phenomena. The analysis and sharpness of qualitative research is greatly affected by the strength of the words and sentences used. Therefore, Sugiyono explained that the focus of qualitative research is on the process and the meaning of the results. Qualitative research attention is more focused on human elements, objects, and institutions, as well as the relationship or interaction between these elements, in an effort to understand an event, behavior, or phenomenon [4].

This theory is used to analyze actions, processes, or methodologies by the TNI, Polri, and Ministries/Agencies in overcoming the ongoing conflict in Papua. This theory is needed to analyze the significance and indicators of the success of the synergy between the Police and Ministries/Institutions in their efforts to resolve the conflict in Papua through a security and welfare approach. Thus, the research results can identify whether the efforts of the apparatus together with K/L can be realized in accordance with the objectives. According to A.F. Stoner and Charles Wankel [3], the best level of cooperation is synergistic, namely high cooperation, mutual trust, and integrated so as to produce an output that is greater than the sum of the performance results of each party. According to Stephen Covey [5], synergy is defined as a creative process that is realized when two parties jointly negotiate and brainstorm to reach a solution.

III. ANALYSIS AND DISCUSSION

The role of the TNI and POLRI in eradicating terrorism in Papua in an effort to maintain the sovereignty of the Republic of Indonesia is viewed from the perspective of policy-oriented criminal law reform and at the same time a value-oriented approach, but must prioritize the principle of law enforcement. Orientation to policy can be seen in the formation of Law Number 5 of 2018 concerning the Eradication of Criminal Acts of Terrorism, and the issuance of a Presidential Regulation that regulates the involvement of the TNI in eradicating terrorism. The value orientation is that the involvement of the TNI and POLRI is based on the consideration that the criminal acts of terrorism that have occurred in Indonesia so far are serious crimes that endanger state ideology, state security, state sovereignty, values, humanity and various aspects of social and national life. and state as well as cross-country, organized and have a wide network and have a specific purpose.[6]

Apart from the economic approach, what is more urgent is that the government must solve the root causes of the Papuan conflict, which are still unresolved. This is consistent with theories of counterinsurgency or suppression of rebellion, which see that the root cause of insurgency is usually not only related to politics or territory. Moreover, a rebellion tends to develop in conditions of ideological, religious, ethnic, cultural, and economic repression [7]. Therefore, countries that carry out counterinsurgency must use strategies and programs to win people's support in defeating the rebellion (winning hearts and minds) to legitimize the influence of the state. As formulated by the French counterinsurgency expert, David Galula, the ideal counterinsurgency is 20% military action and 80% political to win the people's support.19 Excessive use of military force tends to be counterproductive, because it can cause civilian casualties and reduce the legitimacy of the government.[8]

The National Police themselves since 2019 until now have issued 3 (three) Warrants of Assignment to maintain the security situation and public order in the Papua region with the operating code Nemangkawi in the context of law enforcement against security disturbances caused by armed criminal groups (KKB) [9]. The series of security disturbances in the form of terror bombs, kidnappings, killings of security forces and the public including the destruction and burning of public facilities that occurred in the Papua region, along with attacks on police headquarters in Papua, illustrates how vulnerable and difficult the police task is carried out by the Papuan Police. assisted by other BKO units such as the Korbrimob Polri in realizing Polri's accountability as state law enforcement officers, professional and reliable public servants and protectors.[10]

Referring to Article 15 paragraph 1 letter (b) of the Police Law which states that in carrying out its duties, the State Police of the Republic of Indonesia has the authority to assist in resolving community disputes that may disrupt public order. Efforts to resolve disputes or conflicts themselves have been regulated in the Law on Social Conflict Management, which include: stopping physical violence; determination of State of Conflict Status; and emergency rescue and victim protection measures; and/or assistance in the use and deployment of TNI forces[11]. In this context, the synergy between the TNI and Polri is an important point for the success of security operations in Papua.[12]

In order to optimize the cooperation between the TNI and Polri in handling the Papua issue, there are several things that can be improved. First, increasing stakeholder support for the involvement of the TNI-Polri, through the preparation and issuance of regulations as guidelines governing the duties of the TNI-Polri in dealing with KKB in Papua, increasing common understanding regarding the task of handling KKB in Papua, carrying out the fulfillment of facilities and infrastructure, using this method. determination, study, coordination, instruction, preparation, publication, evaluation, proposal, discussion, revision, ratification, socialization, and cooperation as well as using facilities in the form of joint meetings, configuration cooperation formats, cooperation with relevant ministries, universities, social conflict observer groups in the context of achieve the goal of realizing increased stakeholder support for the involvement of the TNI-Polri in handling KKB in Papua.[13]

Second, increasing the synergy of operational concepts held by the TNI-Polri Task Force, through the formulation of mechanisms, implementing coordination, integration, synchronization and synergy between the TNI-Polri programs in handling KKB in Papua, increasing cooperation between the Action Task Force, the Gakkum Task Force, and the Public Relations Task Force, using this method. coordination, counseling, communication, cooperation and socialization by using facilities in the form of coordination meetings, joint training, integrated education in order to achieve the goal of realizing increased synergy in the concept of operations held by the TNI-Polri Task Force for handling KKB in Papua [14].

Third, the application of the soft power approach used by the TNI-Polri, through streamlining the history of the entry of Papua into Indonesia, carrying out counter-propaganda activities and the internationalization of Papua with the methods of coordination, counseling, communication, cooperation and socialization using facilities in the form of joint meetings, educational institutions, social communities. creativity, policies and regulations, political education and discussion forums in order to achieve the goal of realizing the application of the soft power approach used by the TNI-Polri in handling KKB in Papua [15].

Lastly, namely increasing the collaboration of the TNI-Polri role with social institutions in community empowerment, through increasing national insight to the Papuan people, increasing TNI-Polri education and social institutions in Papua with methods of communication, coordination, education, discussion, revision, socialization, and evaluation. , using facilities in the form of foster parent programs, community forums, NKRI mass organizations in Papua, youth organizations, fostered villages and third parties in order to achieve the goal of realizing increased collaboration between the TNI-Polri role with social institutions in community empowerment for handling KKB in Papua.

IV. CLOSING

Based on the discussion that has been described in previous chapters, it can be concluded as follows:

a. The results of the research above show that the synergy between the Indonesian National Armed Forces and the Indonesian National Police with other components of the nation is currently being held in the form of a dialogue between the ministry and endidi. Then there is the handling of soft power that is used by the TNI-Polri as a form of collaboration within the framework of the TNI OMPS, and the endidik link between the central government and the endidi regions with the local community in the form of empowerment. However, the synergy between the TNI and Polri with all other components of the nation is still unable to deal with the threat of KKB in Papua.

b. The synergy of the operational concepts held by the TNI-Polri Task Force in dealing with the threat of KKB in Papua has not been optimally established. This is because the communication pattern that has just been established between the TNI-Polri Task Force is only respectful communication. So that the Action Task Force, the Gakkum Task Force, and the Public Relations Task Force still tend to stand on their own. As a result of the lack of synergy in the operational concept held by the TNI-Polri Task Force, it will become an obstacle in achieving the main targets so that its implementation will miss the planned time. Thus, the handling of the KKB threat carried out by the TNI-Polri and other components of the nation so far, has not touched the subject matter, including overcoming the factors causing the Papuan conflict itself. In this case, increasing the synergy of the operational concept held by the TNI-Polri Task Force is an important solution that must be immediately realized by the Government in an effort to deal with the threat of KKB. This solution is realized through increasing the synergy of operational concepts held by the TNI-Polri Task Force, through the formulation of mechanisms, implementing coordination, integration, synchronization and synergy between the TNI-Polri programs in handling KKB in Papua, increasing cooperation between the Action Task Force, the Gakkum Task Force, and the Public Relations Task Force. with the methods of coordination, counseling, communication, education and socialization by using the means of coordination meetings, endidi endidi, integrated education in order to achieve the goal of realizing an increase in the synergy of the operational concept held by the TNI-Polri Task Force for handling KKB in Papua.

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The Influence of the State Budget of Income and Expenditure on the Defense Budget

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Abstract: The economic war that was going on between strong countries such as America and China had a wide impact on various countries including Indonesia. This study aims to examine how the Influence of the State Development and Expenditure Budget on the 2010-2020 Defense Budget. The method used in this research is quantitative. The results of the study indicate that in terms of economic growth, there are contradictions in both the estimation results and the theory, where based on the estimation results, economic growth has a significant negative effect on the defense budget. The Keynesian view is that the increase in government spending will encourage an increase in demand for various goods and services produced by the economy in aggregate so as to encourage economic growth. In other words, state spending, including defense spending, is an important and ideal policy tool used by the government in an effort to create and increase quality economic growth.

KEYWORDS: Threat, State budget, Economy, Defense

1. INTRODUCTION

Indonesia as an open country cannot be separated from the influence of global and regional developments. Stability and security of the strategic environment is part of Indonesia's national interest, so it is in Indonesia's interest to observe developments in situations that threaten world peace and regional stability in order to take appropriate steps. The written basic law of the Unitary State of the Republic of Indonesia which contains the legal basis and outline in the administration of the State is officially contained in the 1945 Constitution of the Republic of Indonesia (UUD 1945). Things that are very fundamental and constitutionally underlie the Doctrine of National Defense contained in the Preamble to the 1945 Constitution. At the opening, the basic principles of the implementation of state defense are imbued with Pancasila, namely "The Indonesian nation essentially loves peace but loves independence and sovereignty more. ". Furthermore, in paragraph II, the National Ideals of the Indonesian Nation are also mandated, namely "The realization of the Unitary State of the Republic of Indonesia which is independent, united, sovereign, just and prosperous" (Dipua, 2021). Indonesia is aware that its national security is part of the strategic interests of other countries. Domestic security issues that arise are also influenced by external and internal factors that have the potential to disrupt national security stability. These factors include the impact of ethnic heterogeneity in Indonesia, the economic situation that causes the burden of life to become heavier, as well as political and social factors (Prakoso, 2021).

Based on this fact, defense efforts do not only refer to traditional security issues, namely invasion or aggression from other countries, but also to non-traditional security issues, namely any actions that threaten state sovereignty, territorial integrity, and the safety of the nation and the Unitary State of the Republic of Indonesia. In the context of a country's efforts to organize national defense, the benchmark is the carrying capacity or amount of a country's defense budget which is part of the state budget. In essence, the budget is a form of government policy that is stated in numbers and is valid for a certain period of time. The defense budget is a benchmark used to see the capabilities and policies of the state in responding to the defense system used and to see the resources provided by the state to its armed forces, and the state's commitment to managing and improving defense capabilities (Suhirwan (2020).

One of the issues that has weakened the world's economic growth the most is the trade war. Trade wars between countries that cause trade tensions not only trigger a weakening of world trade in goods, but also have an impact on other economic activities such as the service sector and the labor market. This condition further confirms the economic slowdown that has spread to countries that are not only supported by the industrial sector, but also to countries that are supported by the service sector. Then the development of trade relations tensions between the ongoing trade relations resulted in the emphasis on the US and Chinese economies so that they were on a slowing trajectory (Prihantoro, 2020).

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The economic slowdown in the United States also occurred as a result of the diminishing impact of fiscal stimulus since 2018. Meanwhile, China's growth was slower than in the previous decade as a consequence of economic rebalancing policies and deleveraging of the financial system. Trade tensions ultimately hit the trade and investment activities of the two countries. In particular, Indonesia, with various phenomena and developments occurring in the global economy, will certainly have an impact on the Indonesian economy.

Based on the phenomena and previous research that has been carried out, in this study, it will be examined how the Influence of the State Development Budget and Expenditure on the 2010-2020 Defense Budget.

2. METHOD

The research method is a way in a study to understand an object of research that will guide researchers in the sequence of research carried out either in the form of techniques or procedures used in research. Sugiyono (2006) states that research methods can be interpreted as a scientific way to obtain valid data with the aim of being able to find, prove and develop knowledge so that it can ultimately be used to understand, solve and anticipate problems. The research method uses a scientific method to produce data with certain purposes and uses and the scientific method in question is based on rational, empirical and systematic scientific characteristics.

A study can be classified from various approaches. If viewed from the analytical approach, the research consists of two kinds, namely a quantitative approach and a qualitative approach. This study is based on the philosophy of positivism by using quantitative data analysis methods with a descriptive approach and emphasizing analysis on numerical data (numbers) starting from data collection to the results. The purpose of using this method is to mutually support the results of the analysis by testing hypotheses. predetermined (Sugiyono, 2011).

The descriptive analysis is a method used to describe or analyze a research result but is not used to make broad conclusions (Sugiyono, 2011). Descriptive analysis is used to describe research objects/data or research variables comprehensively as well as problem solving by describing or explaining the state of research objects/data or research variables that are actual in terms of theoretical studies and empirical facts that are descriptive in nature in the form of sentences, then in support the results of data analysis that is processed by quantitative analysis. In summary, the function of the descriptive method in brief is to analyze in order to find the relationship, relationship, and influence between one variable and another variable.

The hypothesis in this study will be tested using a descriptive approach where the test will be carried out in a measurable manner so that parameters can be obtained from the effect of changes in an economic variable on changes in other economic variables which can be explained with the assumption of economics (Muhammad: 2005 in Putri, 2020). Descriptive approach is used to interpret the results of quantitative testing which will later answer the hypothesis of the research conducted.

Quantitative analysis in this study will use the method of Multiple Linear Regression (Ordinary Last Square) with classical tests to determine the effect of each dependent variable on the independent variable with the help of a computer program with the Eviews application.

3. ANALYSIS AND DISCUSSION

The estimation results using the Ordinary Last Square method that have been carried out in this study can be seen how the variability relationship affects the increase in the Defense Budget. As for comparison with previous research, namely, the research of Saadet Deger and Somnath Sen entitled "Military Expenditure And Developing Countries" (1995) in the study stated that to understand the nature of military spending, especially in developing countries, it must go beyond the economic field. The economic sector in question is economic growth and expenditure on defense, security and development. This study found that the level of economic development, given by a standard measure of per capita income, had no effect or contradictory to military spending.

In Dogan and Cheong's (2006) research on Government Expenditure and National Income: Causality Tests For Five South East Asian Countries (Government Expenditure And National Income: Causality Tests For Five South East Asian Countries). The researcher uses the Johansen-Juselius cointegration method to detect the long-term relationship between real per capita national income and real per capita government spending in all sample countries and the methodology developed by Granger to test the two hypotheses. The results of the Granger causality test show that there is no causal relationship from real per capita income to government spending. Government spending does not play a significant role in driving economic growth in the four countries in the study.

Pieroni (2007) in his research observes how government spending has an important influence on the long-term growth rate. The researchers found a weak negative relationship between the share of military spending and economic growth. countries with lower military burdens show a non-significant relationship between military burden and growth with nonparametric estimates that

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approximate parametric analysis. In conclusion, the results confirm that the relationship between military spending and growth may contain nonlinearities other than those hypothesized.

Avatara (2013) in his research on economic growth which is influenced by Tax Revenue, Indonesian Government Debt, Capital Expenditure, and Regional Autonomy Policy and Economic Growth. The results of data analysis show that Tax Revenue, Indonesian Government Debt, Capital Expenditures and Regional Autonomy Policies simultaneously have a significant effect on Economic Growth (GDP) in Indonesia in 1992 - 2011 in terms of fiscal. Partially, tax revenues, Indonesian government debt, capital expenditures and regional autonomy policies have a positive effect on economic growth (GDP) in Indonesia in 1992 – 2011. Partially, the variable is tax revenue (T), Indonesian government debt (UPI). Capital Expenditure (BM) and Regional Autonomy Policy (DUM) have an effect on economic growth in Indonesia (GDP). Tax revenue has a positive and significant effect on economic growth (GDP), Indonesian government debt (UPI) has an effect on economic growth (GDP), the effect of the variable Capital Expenditure (BM) on economic growth (GDP) in Indonesia shows a significant number. In this discussion section, the results of the data analysis that have been carried out previously will be explained. In general, the variables that affect the Defense Budget in Indonesia are the APBN, GDP and Economic Growth variables.

Based on the partial estimation results to answer empirical questions on the Defense Budget variable research 2010-2020 that the State Revenue and Expenditure Budget has a significant positive influence on the Defense Budget. The estimation results are in accordance with the initial hypothesis as evidenced by the t-count probability of 0.0201 < , 0.0201 <0.05.

The state revenue budget is the lifeblood of a country in running the government. According to Robert D Lee, Jr and Ronald W Johnson, the notion of a budget (budget) is "A document or a collection of documents that refer to the financial condition of an organization (family, corporation, government), including information on revenues, expenditures, activities, and purposes or goals". If translated into Indonesian, the definition of a budget is a document that shows the financial condition or condition of an organization (family, company, government) that provides information on income, expenses, activities and goals to be achieved.

The State Revenue and Expenditure Budget is a fiscal instrument used by the government to achieve the goals of the state, to realize development, equity, and people's welfare in a just manner. The government in implementing the APBN as the people's mandate, of course, must be managed with good governance so that the outputs generated for the programs outlined in the APBN can be realized and optimally benefited by the community.

The APBN posture includes government budget components which are grouped into three major groups, namely state revenues and grants, state expenditures, and financing. State revenues and grants consist of domestic revenues such as taxes and non-tax revenues, and grants, while state expenditures consist of central government expenditures and regional expenditures whose financing comes from domestic and foreign financing. (Pramono, 2021)

State spending is very important for people's lives, so the absorption of the state budget is expected to be carried out quickly, effectively, efficiently, transparently and accountably. Budget absorption that is not maximal and slow causes the government's public services to be hampered and its function as an instrument of fiscal policy, especially for economic stimulus, becomes ineffective. In Indonesia, if viewed from the side of expenditure in the government budget, one of them is allocated to the defense sector with the budget responsible for the Ministry of Defense consisting of personnel expenditure for payment of military and personnel salaries, expenditure on goods for care and maintenance and capital expenditure for modernization or purchasing. defense equipment (Yusgiantoro, 2014).

The defense spending budget is one part of the state revenue and expenditure budget (APBN). The Defense Budget often reflects how strong a country's defense is against threats from other parties and is a public budget allocated for various purposes related to a country's defense. The Defense Budget also gives an idea of how much defense spending should be spent in the following year. The amount of a country's defense spending budget reflects a country's ability to carry out its military activities. The purpose of holding defense spending is to provide a strong military defense for a country and maintain security for its citizens (White Paper on Defense of the Republic of Indonesia). This is in line with Adam Smith where the task of protecting the community needs to be carried out by the defense force which is the first obligation.

Theoretically, the APBN has a positive and significant effect on the defense budget, so that if the APBN is higher, the Defense Budget will also increase in mechanism. The defense sector is still a government budget priority where the Ministry of Defense budget is also the largest compared to other Ministries/Agencies and increases every year. However, things that need to be considered in an effort to increase the APBN which in the end will have a significant impact on the Defense Budget are in terms of domestic economic factors, namely economic growth (Smith, 1989). One of the requirements for increasing growth is to increase private and public investment and savings. Several other factors that need to be considered before expressing approval to increase military spending are, First, the limited financial condition of the government. This situation burdens the state's finances so that the increase in the APBN is difficult to realize due to limited funds and in the end also hampers the increase in

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the defense budget. Second, an increase in the defense budget could be counter-productive to the government's economic program to increase the rate of economic growth. Another aspect that needs to be considered in the calculation and planning of defense spending is inflationary pressures in the current year which will complicate things in the end.

It should be emphasized that the high budget allocation for defense expenditure shows that in general the superiority of military strength is still considered to be of strategic value in achieving national goals. The decrease in the defense budget in certain countries is basically a form of budget adjustment and does not represent a decrease in the desire for strength building. It is different with countries that have large defense budgets, of course they have large APBNs as well. Efforts to increase the defense budget must be accompanied by an increase in the state budget and vice versa.

The government's policies in an effort to increase the spending budget which ultimately increases the defense budget are:

1) The government's efforts to improve the state budget by reducing the budget deficit through increasing budgetary discipline, reducing subsidies and foreign loans gradually, increasing fair and honest progressive tax revenues, and saving expenditures.

2) The State Revenue and Expenditure Budget (APBN) is a fiscal instrument and if viewed in theory, government spending policy is part of fiscal policy as a form of government intervention in the economy. It should be noted that the defense economy, including defense expenditures/expenditures, has a close relationship with the fiscal sector (Yusgiantoro, 2014). Efforts to develop fiscal policy by taking into account the principles of transparency, discipline, fairness, efficiency, effectiveness, to increase state revenues. The main step taken by the government to strengthen fiscal policy is to increase government revenues with an emphasis on increasing tax revenues (Boediono, 2003). Until now, taxes are still the main mainstay of the government to increase revenue. Defense budgets in many countries are also financed by taxes. The government continues to strive to optimize potential tax revenue through expanding the taxpayer database and increasing tax compliance. Therefore, defense budget support from tax revenues must be accountable and auditable.

3) Taxes through their function as a function of the budget or revenue (budgetair) where taxes are one of the sources of funds used by the government and are useful for financing routine state tasks and carrying out development. Efforts to optimize state revenues with policies to encourage optimization of tax revenues so that the ratio of taxes per GDP is increasing. When GDP increases, tax revenue will increase even more. Mechanistically, an increase in GDP will affect the consumption pattern of the population which simultaneously causes an increase in tax revenue. In other words, an increase in per capita income will always be followed by an increase in the ability to pay taxes, so that tax revenues will increase. The economic surplus which is contributed by the state in the form of taxes will ultimately be used by the state to finance the defense budget.

4) Efforts to stimulate the economy by keeping the deficit within safe limits and controlling the primary balance. If the primary balance is negative if the total state income is smaller than state spending excluding interest payments on debt and vice versa. Healthy fiscal conditions were also supported by a reduction in the primary balance deficit. Maintain the target of the APBN deficit with closer coordination between revenue, expenditure and debt management units. The state budget deficit is the difference between state revenues and expenditures which tends to be negative, in the sense that state expenditures are greater than revenues. Efforts to fulfill the APBN deficit are carried out through a strategy of issuing State Securities (SBN) and foreign loans. Foreign loans are based on realistic estimates, adjusted to the state's financial situation and taking into account various things, such as sources of loans and debt requirements. Foreign loans include any state revenue, either in the form of foreign exchange or in the form of goods or services obtained from foreign lenders that must be repaid under certain conditions, as well as funds that can be disbursed quickly. It should be noted that foreign loans are not recommended because basically the state is trying to reduce the loan burden and even reschedule loans that are past due. Foreign loans also have an effect on rising interest rates, resulting in scarcity in the money market.

5) Improving the quality of state spending through increasing efficiency and effectiveness of state spending through improving the structure of state spending to become more productive and efficient in supporting the achievement of national development targets optimally. This is reflected in spending that is categorized as sustainable if in aggregate it is in line with the medium-term macroeconomic framework that results in a sustainable deficit/surplus and debt strategy. State expenditure is said to be efficient if it is able to achieve the results of the development priorities that have been determined with a budget allocation that is not wasteful and succeeds in achieving the targets of the national development program that have been set.

6) State revenue is endeavored primarily from domestic sources, because sources from abroad are strongly influenced by external factors and can reduce independence in financing development.

7) Efforts to reduce the provision of subsidies. Subsidies can lead to inefficient allocation of economic resources because often the end recipients are not from low-income groups. Another phenomenon is that the burden of energy and non-energy subsidies suppresses state spending because the energy subsidy burden is the largest compared to other expenditures. In

the context of restructuring the state budget, reducing energy subsidies is the right step so that it can increase the portion of the state budget and expenditures.

4. CLOSING

Based on the results of the research that has been done and the comparison of the results of previous studies, the researchers found that how is the variability relationship that affects the increase in the defense budget. The defense spending budget is one part of the state revenue and expenditure budget (APBN). The defense budget often reflects how strong a country's defense is against threats from other parties and is a public budget allocated for various purposes related to a country's defense. The defense budget also gives an idea of how much defense spending should be spent for the following year. Theoretically, the APBN has a positive and significant effect on the defense budget, so that if the state budget is higher, the defense budget will also increase in mechanism.

When viewed from the side that gross domestic product (GDP) has a significant positive effect on the defense budget. GDP has an influence and attachment to state income, where the higher the level of income, the GDP will also increase. In the theory of economic development, it is known that GDP and state spending have a positive reciprocal relationship. If viewed in the macroeconomic context, government expenditure/expenditure is one of the variables forming gross domestic product (GDP). Defense spending has a strong relationship with GDP and is a good measure of showing the magnitude of the defense burden on the country's economy. The defense budget is a reflection of how strong a country is in building its military strength. With a strong economic condition, the military power will be strong supported by an adequate amount of budget as well.

In terms of economic growth, there are contradictions in both the estimation results and the theory, where based on the estimation results, economic growth has a significant negative effect on the defense budget. The Keynesian view is that the increase in government spending will encourage an increase in demand for various goods and services produced by the economy in aggregate so as to encourage economic growth. In other words, state spending, including defense spending, is an important and ideal policy tool used by the government in an effort to create and increase quality economic growth. However, in Wagner's law, namely the law of increasing expansion of public activity, where Wagner states that the actual economic growth that affects government spending is where in an economy if per capita income increases, the relative government spending will increase. This is in accordance with the ambition hypothesis by Castillo (2001) which states that the defense budget has a positive relationship with economic growth. Countries that have increasing economic growth have the ambition to increase their defense spending, in other words, the greater the strength and economic wealth of a country, the greater its defense spending. The state will pursue economic improvement and defense power is the highest goal of the state. In order to increase the defense budget, various efforts can be made by the government, including:

a. Increasing budget discipline, reducing subsidies and foreign loans gradually, increasing fair and honest progressive tax revenues, and saving expenditures.
b. Strengthening fiscal policy is to increase government revenues with an emphasis on increasing tax revenues
c. Efforts to stimulate the economy by keeping the deficit within safe limits and controlling the primary balance. Efforts to fulfill the state budget deficit are carried out through a strategy of issuing state securities (SBN) and foreign loans
d. Efforts to reduce subsidies.
e. Coordinated and synergistic management of macro and microeconomic policies to determine reasonable interest rates, controlled inflation rates, stable and realistic rupiah exchange rates. High interest rates will limit credit and ultimately reduce economic growth.
f. Develop industrial, trade and investment policies to increase global competitiveness
g. Increasing the number of exports and imports to increase the country's foreign exchange
h. Efforts to increase investment will increase the rate of growth so that GDP will increase. Investment funds are obtained from government and public savings
i. The increase in industry in work and various aspects of the country's economy, followed by an increase in the productive workforce, technological progress and exports
j. The growth of household consumption is expected to increase every year. Stagnant growth in household consumption greatly affects economic growth. Household consumption includes people's purchasing power in spending their money.

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Unpacking the Paradox of Student-Involvement Quality Promotion Nexus: Knowing Where to Draw the Line and Implications Thereof

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ABSTRACT: Student-involvement in higher-education is necessary for quality-assurance outcomes, yet such involvement also threatens attainment of quality assured, presenting the paradox of higher-education (HE) systems. With the massification of enrolment-figures across the HE sector has been the need to balance HEI and student-centred perspectives. The notion of students as co-producers, consumers, and products of HEI processes creates discord in the quality assurance arena. Contradictory problems manifest when the producer must satisfy the consumer and audit quality of the products, yet students are all of these. This article explored the extent to which student-involvement fosters quality as well as sets parameters beyond which such participation cannot be done without compromising quality-assurance and desired academic-success. The artile drew a line for student-involvement and quality- assurance as double-barreled and sometimes paradoxical, contradictory pursuits. Data elicited from two HEIs in Zimbabwe using the questionnaire method and analysed using Microsoft Excel package generated descriptive frequencies and related graphs and charts to present findings. Documents were analysed using thematic content analysis to glean for relevant secondary data. Student-involvement is marred by unclear parameters at the three confluences of 'students as co-producers'; 'students as consumers'; and 'students as products' of HEI quality-assurance processes students should participate in, consume, and be products of. Derolling is thus necessary for students to function in various capacities as as co-producers, consumers, or as products. Students as 'co-producers' cannot be expected to produce themselves through 'students as products', neither can they be 'consumers' themselves while being the 'product' to be consumed by industry and communities through employment and innovation. The National Assembly should address contradictions through amending HEI-establishing Acts to cede policy making powers to the University Councilsacting jointly with senior management of universities. As co-producers, students involvement should be unlimited at governance levels (by different HEI students) while as consumers (within particular HEIs), student involvement should be limited to lower rungs at consumer level to avoid contradictions that potentially compromise quality. As HEI products, students should be limited to Alumni activities as main function should clearly differentiate among the various roles when crafting HEI policies that foster student involvement.

KEYWORDS: higher-education-institutions, student-involvement, quality-assurance, students-as co-producers, paradox

1.INTRODUCTION

While autonomy in higher education opens it up areas for improvement and competition, the sector is restricted by the influence, which some argue is interference, of state-driven higher education policy and the constantly increasing intervention of external quality assurance (Kennedy 2003; Hénard and Mitterle 2008). Great importance is placed on the student experience in higher education (HE) today. Scott (2018) postulates national, and often international attention is on how students report their learning experience with institutions of higher education (HEI) providers often under pressure to demonstrate they have satisfied students' needs and interests (Scott 2018). Consequently, students are continually asked to feedback on their experience, and whether their expectations are being met with such feedback and satisfaction measures being used to assess quality in both academic and non-academic aspects of the student experience within HEIs (Scott 2018).

The student as producer initiative at HEI explores possibilities for very different ways of working that genuinely enable student-driven participation and democratic practice by realigning the student–lecturer nexus, challenging the power imbalance and moving

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"from traditional accountability to shared responsibility" (Cook-Sather 2009, 231-232). This paper draws on literature to critique and explore ways to strengthen the student voice and change lecturers-students relationships, reposition lecturers "with their students … as partners in quality assurance processes" (Cousin 2008, 268); in this instance, the concerns of curriculum development, quality learning and teaching at a subject level. The paper initially sets out the broader context and wider debates that inform and influence participative practices as ways of involving students in quality improvement. The writer then explored the paradox arising from the arious partnership models used for student involvement where studets are seen as co-producers, consumers and products of HEI knowledge and processes at the same time.

2.QUALITY ASSURANCE AND PROMOTION

The purpose of 'quality assurance' in higher education according to BIS (2016) cited in Scott (2018) is providing evidence that standards of teaching and learning are being met. The Quality Assurance Agency (QAA) emphasized the need for evidence in their definition, 'At its core, the purpose of QA is to be transparent and to demonstrate quality in overt and measurable ways' (Barnes and Bohrer 2015, 63; cited in Scott 2018) although what 'quality' itself means in education has long been debated (Harvey and Williams 2010; Scott 2018). Harvey and Green (1993) identified five perspectives from which quality can be viewed: exceptional; perfection (or consistency); fitness for purpose; value for money; or transformation (cited in Scott 2018). A more focused definition by Cunningham (2015, 46) suggests 'quality in higher education exists when students are being effectively and efficiently provided with the teaching, resources, support and environment to allow them to achieve their full learning potential'. The two definitions by Harvey and Green (1993) and that by Cunningham (2015) shall jointly underpin this study because of the relevance of their joint components such as exceptional, perfection; fitness for purposes, value for money and transformative as well as the aspect of effectiveness and efficiently providing teaching, resources, support, and environment to achieve full potential. The former definition addresses intrinsic while the latter addresses extrinsic student involvement quality assurance factors in higher education.

Elevating student choice and satisfaction actually threatens restricting students' education experience (Staddon and Standish, 2012; Scott 2018) when satisfaction is less relevant than a student's sense of purpose and well-being. For those with a transformational view of education, measuring satisfaction is not meaningful as real intellectual gain is associated with challenge, discomfort, and even crisis (Staddon and Standish, 2012; Scott, 2018). It is thus likely a student at a difficult stage of the learning process is unlikely to present as 'satisfied', even though high quality learning may actually be taking place (Bramming, 2007; Elwick and Cannizzaro, 2017; Hamshire et al., 2017; Richardson, 2005; Scott, 2018). Therefore expecting students to be satisfied at all times is unrealistic, as education is meant to be unsettling (Hamshire et al., 2017; Scott, 2018), 'disruptive to norms'. Encouraging students to challenge their HEIs to provide good quality is questioned (Williams 2013; Scott, 2018). The basis is that it has negative effects lecturer-student relationships and their institution (Williams, 2013). Williams (2013:82) claims 'a pervasive sense that lecturers and students have opposing interests requires external regulation'.

Similarly, HEIs placing too much faith on students' ability decide on quality in areas like pedagogy, curriculum and strategy lack confidence in self, (Staddon and Standish, 2012; Scott 2018). Ramsden (2008) suggests students' expectations, prior to HE experience are often not fully formed, they do not have a coherent understanding of what it will entail (Scott, 2018). Students may only realise years after completing HE whether they gained what they needed from a programme. Thus, encouraging them to believe they can make choices based only on their initial expectations is not only unrealistic, but also misleading (Bay and Daniel, 2001; Ness and Osborn, 2010). Such HEI is unlikely to provide a positive learning-teaching experience for either students or lecturers. While they see this lack of confidence as a problem, they point out that current policy distorts reality by encouraging it, promoting it as in the student interest. From the above arguments lies the paradoxical interests of student-involvement and quality assurance in the same breath.

3.THE EXTENT OF STUDENT PARTICIPATION THAT FOSTERS QUALITY PROMOTION

Debates and practices relating to improved student involvement have been gaining momentum since the mid-1990s and now go beyond individual student learning to involvement in structures and process at a subject, faculty and institutional level (Trowler 2010). Through their participation in an array of learning activities, students "co-produce" their education (HennigThurau et al. 2001 cited in Kotzé and du Plessis 2003). At the same time, they also contribute directly to their own satisfaction, quality and value perceptions (Bitner et al. 1997 cited in Kotzé and du Plessis 2003). The 2003 The future of higher education white paper describes the enhancement of teaching as "central to the purpose of higher education" (DfES 2003, 46). With the advent of criticism against teacher-focused transmission of information format (Light, Calkins & Cox 2009 cited in Hynes 2018) and a shift to student-centred learning, what students do becomes as important for their understanding as what the teacher says (Hynes 2018). That way, students

co-create knowledge as opposed to passively receiving information, and this encourages deep learning under the growth of 'student-centered learning' as an alternative approach (Jonassen & Easter 2012; McMahon & O'Neill 2005; Race 2015; Hynes 2018).

Browne report developed an explicit focus on 'quality' and the development of "minimum levels of quality enforced through regulation" (Browne 2010, 2). Institutional governance fundamentally focuses on the quality assurance, control and enhancement of practices. Currently, quality assurance and enhancement are high on national agendas, with the process of assuring quality in HEIs under review and requiring the enhancement of standards of provision across all programmes. The literature shows that, in the UK, there have been moves towards placing more emphasis on the learner voice as a way of enhancing learning and increasing learner involvement (Little and Williams 2010). In addition, Coates describes involvement as "a broad construct intended to encompass salient academic as well as certain non-academic aspects of the student experience" (Coates 2007, 122). Alaniska and Eriksson (2006) cited in Roslöf (2018) discussed students' roles in the academic community. In order to achieve optimal results in there should be a collaborative culture of learning present in the higher education institutions (HEIs). The closer the students are involved in a department's activities the more open dialogue and better result for improvement. The students' involvement in QA activities can be divided in four categories (Alaniska & Eriksson 2006; cited in Roslöf 2018):

1) **Student as an information provider**: Giving feedback in different forms is the most common way of engaging students in QA. A typical procedure is to ask feedback for every completed course or collect data every semester, for example. There is a multitude of ways to collect student feedback and both quantitative and qualitative methods are used (Roslöf, 2018).

2) **Student as an actor**: Students have potential to have a more active role than just the role of a source of data. The students can participate in designing the feedback questionnaires in cooperation with the academic staff and join the analysis of the collected data as well. Students can also organize workshops concerning different improvement topics where the issues can be discussed together with the staff members in a comfortable environment (Roslöf 2018).

3) Student as an expert: One of the focal points of QA in education should be the quality of learning – not teaching. The students are experts in their learning; they are able to reflect how (and if) they have reached the intended learning outcomes and how teaching has guided them in this process. Utilizing the students' expertise can be implemented by inviting them to join different working groups, meetings and seminars. Considering students as experts demands positive attitude both from the staff and from the students (Roslöf 2018).

4) Student as a partner: The partnership between students and staff refers to an authentic and constructive dialogue enabling reflective feedback. The common responsibility and ownership about the activities and their further development is recognized, and there is an easy-going atmosphere and culture in the department. Continuous cooperation and co-organization takes place leading to open and authentic QA and improvement (Roslöf 2018). Scott (2018) highlights a complexity that arises from the unequal yoking of students with their administrators and lecturers is that students often pay much attention to peripheral issues than the core, majoring the minor thereby. For example when students give feedback in meetings, they prioritize general issues like the food, the parking, condoms and sports entertainment as opposed to academic matters (Scott 2018). This tends to result in students voices being belittled due to their limited scope of focus that places emphasis on current rather than long term issues.

It could therefore be argued that meaningful student involvement in the quality processes is crucial to "enhance the collective student learning experience" (Little and Williams 2010, 119). A key component of student involvement is therefore the student voice and interaction in institutional governance, which can be found in student feedback, student representation, student approaches to learning, institutional organisation, learning spaces, architectural design and learning development (Trowler 2010). Presenting a case study report from Belgium, Wyns et al. (2015) cited in Roslöf (2018) posit student involvement at KU Leuven has long traditions, with every faculty having its own student organization and student representatives appointed annually through elections. Gvaramadze (2011) however questions the validity of some approaches to capturing the student voice, such as student satisfaction surveys, quantitative evaluation methods and performance indicators, but suggests that student engagement has the potential to redefine quality enhancement processes in HEIs. Similarly, Crawford argues that "commonly-used often managerialist performance-led approaches to gaining feedback on the student experience … are at best impersonal, untimely and ineffective and at worst de-skilling and devaluing of professional practice in higher education", and proposes a different way of working with students and academics as partners in a community of scholars (Crawford 2012, 52).

4.THE MODELS OF PARTICIPATION THAT DRAW PARAMETERS TO STUDENT-INVOLVEMENT
Lizzio and Wilson (2009) observe that the value of actively involving students in institutional governance can be classified according to one of three perspectives: functional (how it benefits the university); developmental (how it benefits the student); and social (how it benefits society). Furthermore, according to Trowler (2010, 1), who conducted an extensive literature review on student there is

a substantial, robust body of evidence to support assertions that individual student involvement in educationally purposive activities leads to positive outcomes of student success and development. In an institution's commitment to improving student participation, benefits could be developed to drive an institutional culture to engage students in effective educational practices and experiences (Pascarella, Sefifert and Blaich 2010). It could be argued that, within a functional perspective, enhanced accountability in terms of policy and decision-making may result as a benefit of a more participative process (Sabin and Daniels 2001). Currently, student involvement in shaping the design and delivery of the curriculum tends to be mainly indirect through feedback surveys (Trowler and Trowler 2010, 14).

While institutions are becoming more aware of the purpose of surveys and evaluations (Nair, Bennett and Mertova 2010, 555), problems have been reported around closing the feedback loop and demonstrating the improvements made as a consequence of the quality cycle (Trowler and Trowler 2010; Nair, Bennett and Mertova 2010). Professionalism in students involved in dealing with matters like exam setting and invigilation has been of concern. Students are mostly excluded from matters like curriculum setting, exam setting and invigilation, which are things which determine the future of the students (Trowler and Trowler 2010). However, knowing where to draw a line is an answer in seeking quality assurance by students involvement. Trowler and Trowler (2010) suggest students doing the same programme from another HEIs, come and help in invigilating at another HEI. As a measure to try and minimise compromising the quality sought, the student in invigilating put their certificates at stake if they are caught in any foul play. Cancellation of the invigilators' and exam-sitting student's certificate if caught in any foul play.

5. THE ROLE OF THE STUDENT REPRESENTATIVE

Student involvement beyond individual student learning can be classified in structure/process at a subject level through student representation: as consultants or as observers; as representatives; or as members of committees at course, departmental, faculty or institutional level (Trowler 2010). Lizzio and Wilson (2009) studied student representatives in university school committees to try to determine their conception of, motivation and preparation for and sense of efficacy in the representative role. In the study, Lizzio and Wilson (2009, 81) observe that students reported, on average, moderate to high levels of learning and development as a result of undertaking the representative role. The student representative role is potentially a rich context for learning across a number of different skills and additional domains. Yet the student representative role is complex. Democracy is very difficult to achieve: students use representation processes only if they have a problem; when things are satisfactory, they are difficult to engage in trying to improve things (Little and Williams 2010).

6. MAKING CHANGE

In their study, Umbach and Wawrzynski (2005, 173) conclude academic staff have a role to play in student involvement, stating that the educational context created by faculty behaviours and attitudes has a dramatic effect on student learning and engagement. Institutions where faculties create an environment that emphasises effective educational practice have students who are active participants in their learning and perceive greater gains from their undergraduate experience. While student involvement in quality processes is seen as a priority by most institutions, there are inevitably barriers and challenges to achieving student–lecturer partnerships and learner-centredness. Little and Williams (2010) identify that the majority of institutions still work on the basis of student as consumer.

In the consumerist perspective, HEIs act as providers of products such as academic programs and services (Gvaramadze 2011). Financial pressures, tuition fees and government impressions of universities all have a role to play in the cause of students viewing themselves as consumers. As a result, students may not feel that they can or even want to have a say in their learning, as they are led to believe that they are simply consumers (Little and Williams 2010). It is clear that a shift in student behaviour, from student as consumer to student as producer, would require a change in their relationships with institutional staff and in the culture of the institution as a whole. Students and their unions therefore have a key role in establishing better partnerships to achieve such a cultural shift (Little and Williams 2010).

A number of researchers have developed and tested models of the antecedents and consequences of customer socialisation and participation in service settings. These models were tested in contexts ranging from financial services (Kelley et al. 1992; Govender 1998) and grocery retailing (Bettencourt 1997) to charitable organisations (Cermak et al. 1994; Claycomb et al. 2001). However, despite the importance of student participation in the provision of educational services, similar models have not yet been tested in the context of tertiary education. This may be due to the fact that the relevance of services-marketing theory for tertiary institutions has only recently been acknowledged (Mazzarol and Soutar 1999; Hill 1995). The student as producer ambition is to get students to 'buy in' to this different approach, so that staff and students work together as partners in enquiry. Coates (2005) advises student involvement involves learning that is dependent not only on individual participation in educational activities but also on institutions and academics facilitating a shared and co-operative approach to the joint endeavour.

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Conversely, invitations to staff to become more collegial with students could be problematic, to the extent that collegiality may not necessarily be realised between staff themselves (Lizzio and Wilson 2009). The extent to which staff members are willing to engage in 'power sharing' is a key determinant of the success of this approach to student involvement and engagement. The student as producer or co-producer model conceptualises active student involvement in quality enhancement processes. Such a model shares responsibilities among students, academics and institutions in relation to the whole teaching and learning experience. The regard that students become partners or co-producers and engage in decision-making about teaching and learning goes well beyond a consumer-type relationship with students (Gvaramandze 2011).

Thus the development of a co-producer model through student involvement would directly impact on approaches to teaching and learning and links to quality enhancement processes in HEIs. Student involvement of this nature requires a change at an institutional level to decision-making and policy formation. The resulting changes at subject level will redefine the student–lecturer relationship and the provision of not just student involvement in quality processes but direct participation and membership of committees, review panels and validations. Coates (2005) identifies that there is a challenge here in reconciling the constructivist perspective underpinning the idea of student involvement with what is ultimately an institutional responsibility for managing ongoing improvement. It is apparent that quality assurance determinations must therefore take into account how and to what extent students engage within activities that are likely to lead to productive learning (Coates 2005). Gvaramadze (2011) goes further, advising that in order to effectively engage students with quality processes, it is necessary to make changes to the quality systems and processes that incorporate the student–lecturer partnership, learner-centredness, value added and the quality of the student learning experience.

Student involvement of this nature requires an institutional-level cultural change to decision-making and policy formation, namely, changes to the direct participation and membership of committees, review panels and validations. Currently, student participation on programme or departmental committees is found in several institutions in Zimbabwe but great variability exists at this level and there is little evidence as to the nature, function or quality of this form of engagement (Trowler and Trowler 2010, 14). If students and staff work in partnership to improve the learning experience in programmes or the work of departmental committees, there would be a number of key benefits, as outlined by Little and Williams (2010): student representatives would be able to comment on programme delivery and wider issues without being seen as threatening to staff or negatively affecting the students' academic performance; student representatives and staff would have a sense of shared responsibilities for a student's own learning and the learning of others on the same programme; and students would have an equal opportunity to have their voices 'heard'.

In addition, it has been demonstrated that the use of action research enables students to be far more open about what they think about their course and what they have gained from it (Gapp and Fisher 2006). However, action research is being delayed, for example in Zimbabwe in most HEIs it is being done in the final year of studies. It is therefore, encouraged that institutions should give their students tasks of action research at least in the second of their studies. It has also been noted that studies involving the student themselves actively engaged in the design and delivery of curriculum are conspicuously absent from the literature (Trowler and Trowler 2010). Furthermore there has also been a call for finer grained studies on student involvement in structures and practices, including student governance, student voices in curriculum shaping and the perennial problem of "closing the feedback loop" (Trowler 2010, 50).

7. STATEMENT OF THE PROBLEM

That students have a fully formed set of expectations prior to application (Ramsden 2008; Ness and Osborn, 2010; Bramming, 2007; Staddon and Standish, 2012; Biesta, 2015). That students should be encouraged to challenge their institution to provide good quality (Staddon and Standish, 2012; Williams, 2013). That quality is propped up through emphasis on student expectations and satisfaction data (Staddon and Standish, 2012; Cheng, 2017; Biesta, 2015; Ness and Osborn, 2010; Stroebe, 2016). Student, as producers, consumers and products of knowledge create discord in the quality assurance arena. Problems manifest as a paradox where the producer must satisfy the consumer and audit quality of the products, yet all are in one. Sharing responsibility between lecturers and students has been a matter of concern as the students are viewed as consumers not producers or co-producers. Lecturers and students working as colleagues in consulting and teaching can bring an untold fight as they would want to show off who is superior or better qualified than the other. As a point to note, lecturers themselves as staff members fail to work as colleagues, therefore the coming in of students has it's own challenges and also affairs might be promoted as the time spent together is increased. In addition, student-lecturer affairs can lead to sexually transmitted marks or leaking of the exam papers (Ncube 2019).

7.1 Research Objectives and Questions
The study sought to achieve the following objectives:
1. To establish the extent of student participation that fosters quality promotion
2. To describe models of participation that draw parameters to student-involvement

8.THEORETICAL FRAMEWORK: LADDER OF PARTICIPATION
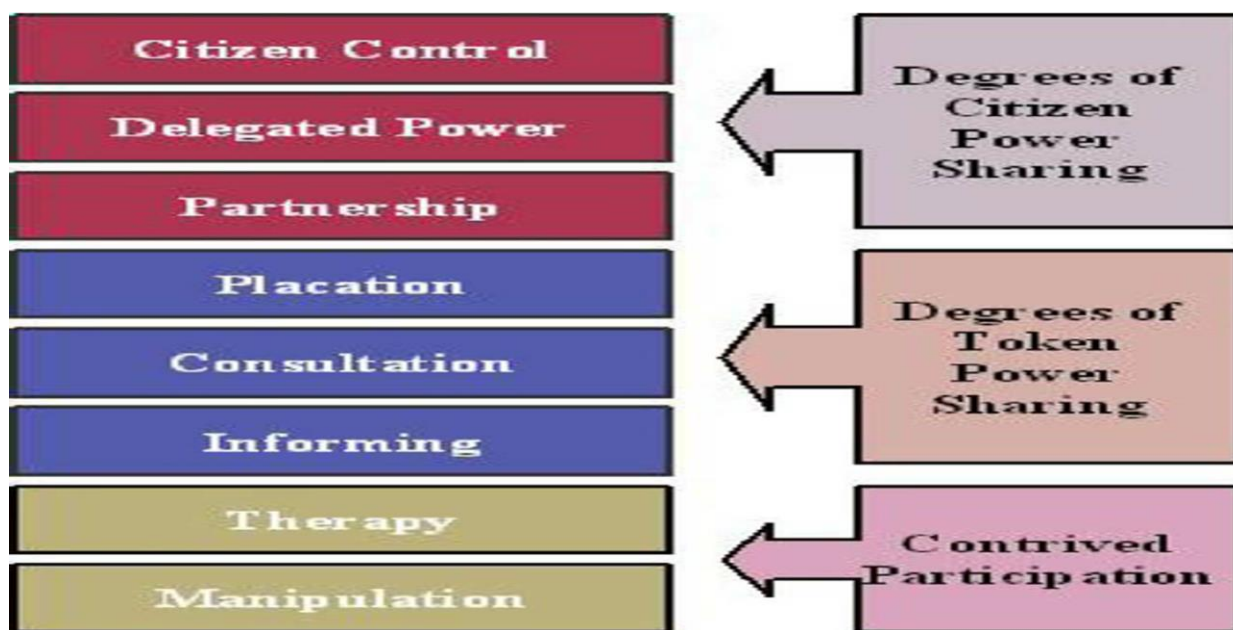
Results and Discussion: Student Participation that Fosters Quality Promotion

**Fig. 2: Degree of Participation to Draw the Student-Involvement Line**
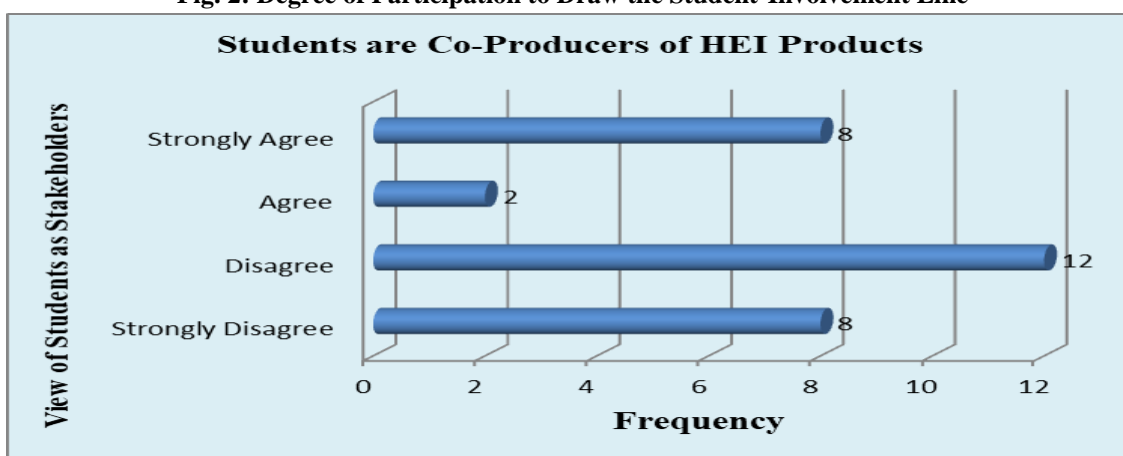
Asked the extent to which they agreed students should be involved in quality assurance processes as co-producers of HEI knowledge and products, respondents had contradictory responses. A significant twelve (12) 'disagreed' while eight(8) 'strongly disagreed'. These accounted for cumulative twenty who variously 'disagreed'. Eight (8) 'agreed' students are co-producers of HEI knowledge and graduates as products while two (2) 'strongly disagreed' with a cumulative ten (10) variously 'agreeing'. That more respondents disagreed with the argument that students are co-procuders of knowledge and products of HEIs contradicts submissions by Kotzé & Du Plessis (2003) who, citing HennigThurau et al. (2001) posit that through their participation in an array of learning activities, students "co-produce" their education. That way, the scholars argue students also contribute directly to their own satisfaction, quality and value perceptions (Bitner et al. 1997 cited in Kotzé & Du Plessis 2003). Scholars have variously argued that students have no capacity to participate equally as partners and co-producers of knowledge upon application for enrolment at HEIs hence their knowledge, capcity to contribute meaningfully should be guided and limited to classroom tasks and related learning as learning experts but cannot be unlimited.

Fig. 3: Students as Consumers of HEI Knowledge and Products
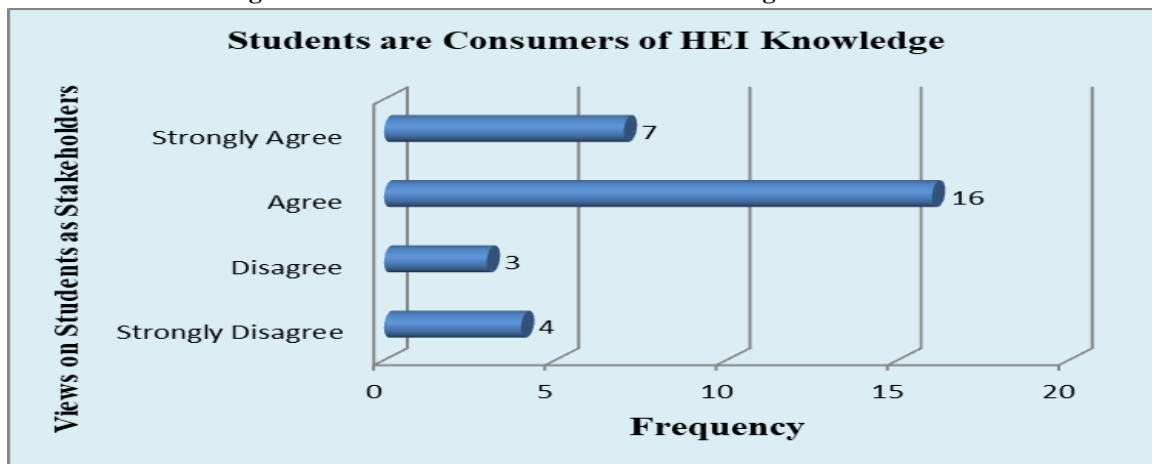
Depicted in Figure 3 above is a unanimously agreed position that respondents took where they variously agreed (seven 'strongly agreed' while sixteen 'agreed') students are consumers and not co-producers of knowledge and other HEI products. Arguments by Eagle and Brennan (2007) cited in Woodall, Hiller and Resnick (2011) whether students can be considered consumers is open to debate, but the deceptive inroad of the customer concept that students. The finding identifies students as 'customers' (Dearing 1997 cited in Bunce, Baird and Jones 2017), higher education institutions (HEIs) in England have increasingly had to operate under forces of marketisation which demand competitiveness, efficiency and consumer satisfaction (Lesnik-Oberstein 2015 cited in Bunce et al. 2017). Moreover, this consumer identity appears to be increasingly recognised by students, who demand more from the higher education sector than ever before (Kandiko and Mawer 2013; Tomlinson 2014, 2016 cited in Bunce et al. 2017). Paying money through fees in exchange for HEI services has also been shown to create feelings of entitlement among students, which are associated with higher levels of complaining (Finney and Finney 2010 cited in Bunce et al. 2017). The following figure 4 below buttresses the fiding that studets are largelu viewed as consumers and products of the HEI processes as opposed to being co-producers of such knowledge and products.

Fig. 4: Students are Products of HEI Knowledge
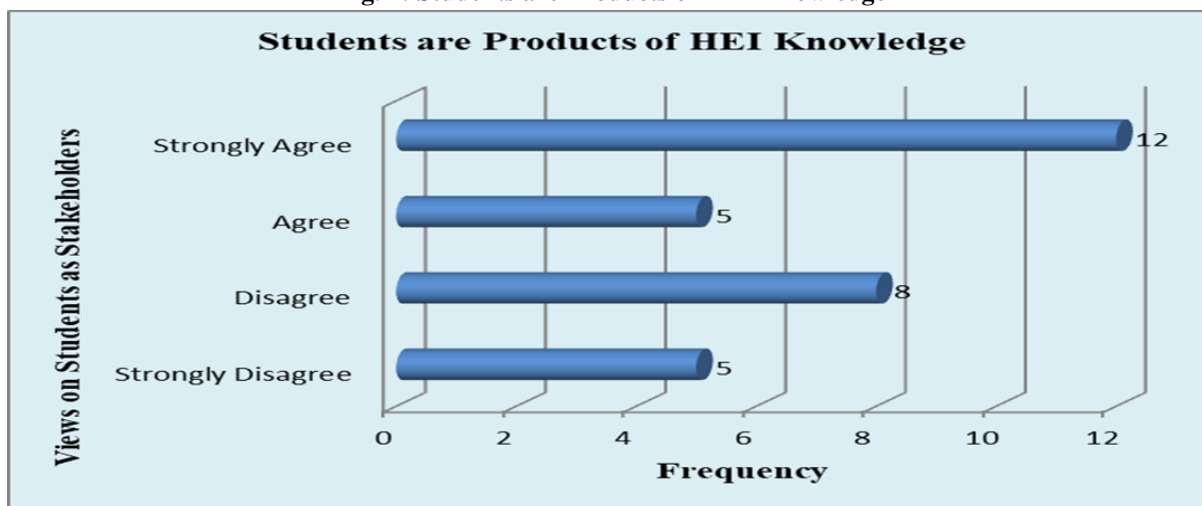
Asked whether students should be involved in quality assurance processes as the products of HEI knowledge and processes, quality assurance managers respondents still contradicted each other as depicted above. Do HEI products get to evaluate processes that gave birth to it? A significant twelve (12) strongly agreed while five (5) agreed. Clearly a cumulative seventeen (17) believe students are 'mere HEI products'. This views negate on the need for student involvement as a product cannot evaluate processes that gave birth to it credibly. However, a further eight (8) disagreed with five (5) strongly disagreeing.to make a total of thirteen (13) who variously disagreed.

This result negates on quality assurance processes whose outcmes depend on students incolvment as co-producers, for example where they participate as University Councillors and Senators in policy making among HEIs. Paradoxically, such students are arguably unable to participate in processes designed to produce themselves as graduate and therefore products of the same HEI

processes they participated in. There is need for separation of roles and functions to avert the paradox. The figure 5 below depicts the overwhelming responses that account for institutional perception of students as products of HEI knowledge and processes.

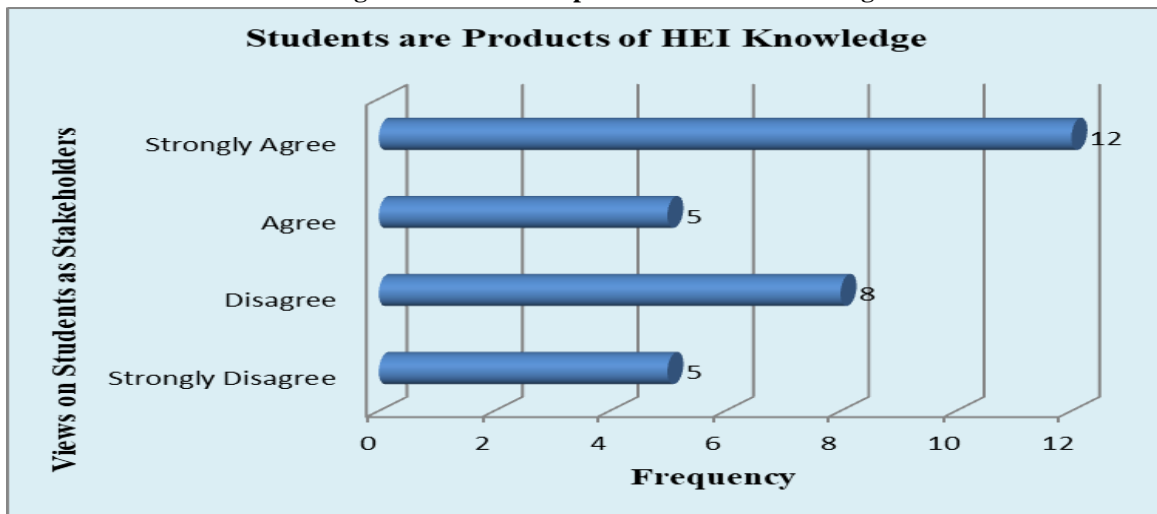**The figure 5: students as products of HEI knowledge**

Fig. 6: Preferred Models of Student-Involvement among HEIs
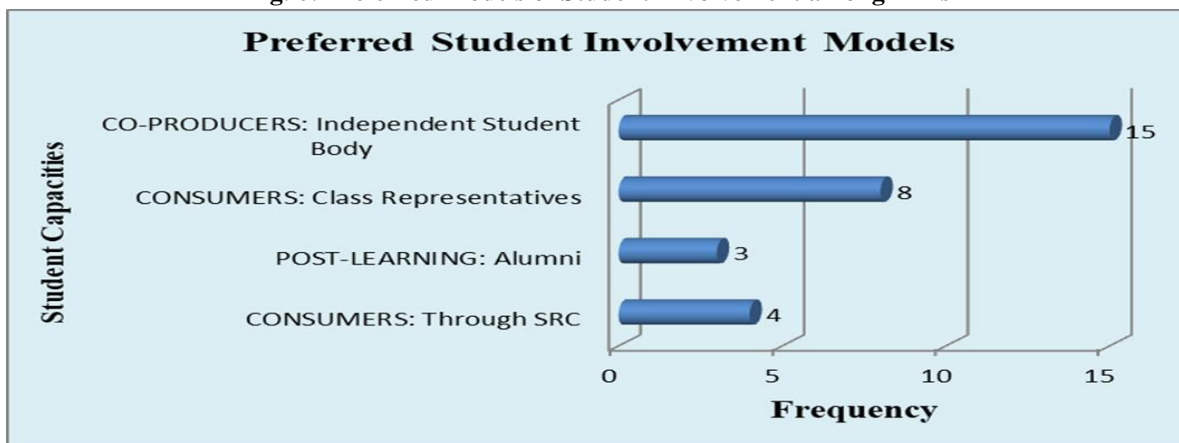

Figure 6 above demonstrates the paradoxical findings where respondents highlighted the disaggregated models of student involvement designed to abate the contraductions arsising from studets as co-producers; students as consumers; and lastly students as products, by using an independent student body (15) for all policy and governance related quality assurance issues among HEIs. This body could then consult each HEI SRC before engaging HEI management with meaningful contribution, yet without any compromise and contradiction of roles. Parallel student involvement as consumers at HEI level through class representatives (8); post-learning alumni (3) and lastly as consumers through the student representative council/student executive council (4) as the case may be.
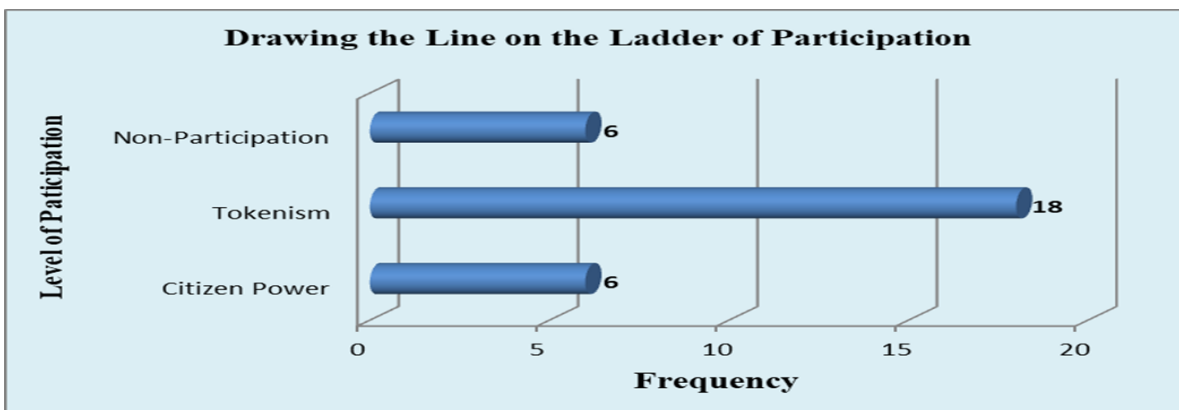
Unpacking the Paradox of Student-Involvement Quality Promotion Nexus: Knowing Where to Draw the Line and Implications Thereof

Responding to a question: Seeing therefore the contradictory capacities under which students should be involved in quality assurance processes, where should HEIs draw the line in the student involvement thrust to avert effects of contradictions affecting quality? Eighteen (18) respondents advocated for student involvement that is limited to the three centre rungs comprising Rung three, (Informing), Rung four (Consultation), and Rung five (Placation) that collectively make up tokenism (token-power-sharing). This is a far cry from the desired participation levels comprising Partnership (Rung Six), Delegated Power (Rung Seven) and Citizen Control (Rung Eight) respectively.

Fig. 7: Drawing the Line on the Ladder of Participation
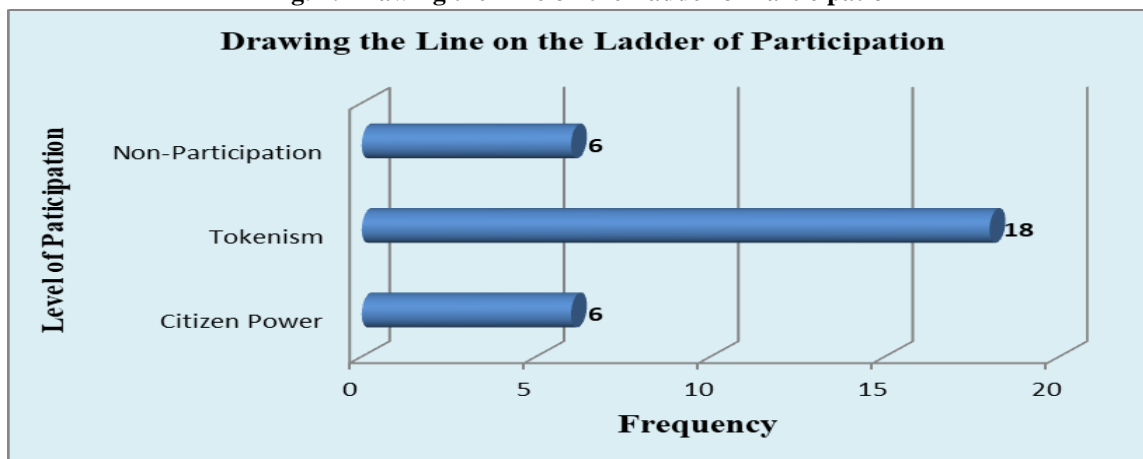
8. SUMMARY OF FINDINGS

Clearly, the student involvement domain is marred by grey patches. Various capacities emerge, whether they are participating in governance and quality assurance of higher education institutions as co-producers, consumers or products. Students as 'co-producers' they cannot produce themselves as 'students as products', neither can they be 'consumers' themselves while being the 'product' to be consumed by industry and communities. To minimise compromise on quality sought, students invigilating put their certificates at stake if they are caught in any foul play while cancellation of the invigilators' and exam-sitting student's certificate if caught in any foul play are measures to ensure student involvement and quality assurance.

9. CONCLUSION

Contradictions from student involvement in HEI quality assurance processes

Student involvement is marred by the lack of one clear approach for the desirable cause as they occupy many positions within higher education that call for different approaches.

Student involvement cut-off level in HEI participation

Informed by an opaque identity of students and their involvement in their contradictory capacities, student involvement is limited to the bottom five rungs, with the centre three rungs 'at best' while the lower two rungs 'at worst'. It is evident from the literature and from student that there is an overwhelming case for building processes and practices that are more participative, democratic, mutually respectful and learner-centred. However, while the literature provides evidence of the benefits of this approach, alongside interest and motivation in the sector to develop inclusive practices, the current context of teaching and learning in HEIs in most countries may constrain or at least challenge such relationships between staff and students, and the institutional processes necessary for everyone's benefit to develop new ways of working "genuinely enabling student-driven quality, participation and democratic professional practice" (Crawford 2012, 67).

10. RECOMMENDATIONS

This section recommends measures necessary for the policy making, implememtation, and further research levels:

Policy Level: Parliament/ The Ministry of Higher and Tertiary Education, Innovation, Science, and Technology Development (MoHTEISTD)

The National Assembly should address contradictions through amending HEI-establishing Acts to cede policy making powers to the University Councilsacting jointly with senior management of universities.

Unpacking the Paradox of Student-Involvement Quality Promotion Nexus: Knowing Where to Draw the Line and Implications Thereof

Implementation Level: HEIs
The Ministry of Higher and Tertiary Education, Innovation, Science, and Technology Development should enact policies and procedures that address the contradictions in the Act when operationalising.

As co-producers, students involvement should be unlimited at governance levels (by different HEI students) while as consumers (within particular HEIs), student involvement should be limited to lower rungs at consumer level to avoid contradictions that potentially compromise quality.
As HEI products, students should be limited to Alumni activities as main function should clearly differentiate among the various roles when crafting HEI policies that foster student involvement.

ACKNOWLEDGEMENTS

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Reconfiguring the Academic Success Matrix through Student Involvement: Implications for a Higher Education Institutions: A Case of Three Selected Universities in Zimbabwe

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ABSTRACT : The article explores reconfiguring the concept of academic success in Zimbabwe, now premised on the attainment of benchmark Doctrine Education 5.0 pillars set by the Ministry of Higher and Tertiary Education, Innovation, Science and Technology Development and enforced by Zimbabwe Council for Higher Education (ZimCHE) as a quality assurance agency. It reviews academic success standards based on teaching and learning; research, community engagement; innovation; and industrialisation. Targeting, HEI quality assurance officers, managers, and students as the population, the study purposively selected three HEIs based on stated science, technology, engineering, and mathematics (STEM) mandates drawn from Zimbabwe's 20 registered public and private universities. Questionnaire-elicited data were analysed using the Statistical Package for Social Scientists and presented in graphs derived from descriptive statistics to enhance meaning in findings. Findings show the five-fold Doctrine Education 5.0 remains news to HEI students although they passively participate as recipients, reflected in students-as-consumers rather than 'students-as-partners' among HEIs and later industry. Without students' voice as HEI partners, success would be analogous to a maternity centre rating its success based on 'state of the art equipment' and high calibre staff without mention of babies delivered as core business therein. The article recommends the reconfiguration of the academic-success matrix to reflect the student-interests involvement, and the industrial perspective as end-line users of HEI graduates. A one-size fits-all approach to academic success is not tenable for HEIs, and their divergent mandates call for differentiated methodological approaches to achieve success. HEIs continue to rate their success in terms of student enrolment figure, infrastructural development at the expense of student-centred success criteria that assesses innovative skills capacity and industrial appraisals post-graduation. The shift to a business approach in higher education has been unmanaged, with telling implications for HEIs visions and stated missions, necessitating change. Consolidating HEI success requires Chief Executive Officers' whose proven mandate espouses all education 5.0 deliverables, particularly innovation and industrialisation through research and community engagement, except for teaching and learning. Nothing in academia prepares Professors as Vice Chancellors for this task, reducing them to duds as their grasp of the five-fold mandate largely remains superficial. HEIs' success criteria and students' involvement continue to reflect education 3.0 scope when they should functionally be operating at 5.0, which is just on paper and tick-a-box-kind-of compliance to satisfy minimum quality assurance expectations. A danger of leaving important stakeholders behind until too late lingers, with potentially telling negative ramifications therefrom for all.

KEYWORDS: Academic-success; student-involvement; student-as-partners; quality-assurance; HEI

1. INTRODUCTION

Perhaps because of its amorphous nature, the term 'academic success' (AS) is one of the most widely used constructs in educational research/assessment within higher education. Academic success is generally associated with the attainment of summative assessments, marked by learning outcomes (Cachia, Lynam, and Stock, 2018). However, York, Gibson, and Rankin (2015) cited in Cachia et al. (2018) argue the meaning of academic success is debatable, depending on varying subjective perspectives that shift according to the subject. Universally, people know institutions and organisations by their products rather than their industrial processes/apparatus. Higher education institutions (IHEs), adrift from the norm have had little consideration for their products, the

students in determining HEI academic success matrix. Consequently, student-exclusion affects academic success criteria adopted as HEI tend to craft and adopt institution and teacher-centred academic success criteria.

Student exclusion raises questions on the validity of 'academic success' achieved without students' perspective as the co-producers and consumers of HEI programmes. Student-centred academic success factors would be a cog in determining self-evaluations by IHEs towards quality assurance. Broadly, the emphasis on student success is driven by several factors, as underscored by Kinzie and Kuh (2016) including concerns about persistent inequities in educational attainment, expanding economic and workforce needs, and overall concerns about educational quality. York et al. (2015, 5) identify six elements defining academic success as including 'academic achievement, engagement in educationally purposeful activities, satisfaction, acquisition of desired knowledge, skills and competencies, persistence, attainment of educational outcomes, and post-college performance'. Students perceive assessments as beneficial to their learning if they are explicitly aware of how they build on their current skill set and their relevance to their future career (Lynam & Cachia 2017; Cachia et al. 2018). In Zimbabwe, academic success derives from attaining the Ministry of Higher and Tertiary Education, Science and Technology Development benchmarks standards enforced by IHE quality assurance agency, Zimbabwe Council for Higher Education (ZimCHE). The Doctrine Education 5.0 as IHE Success Criteria entails teaching and learning; research, community engagement; innovation; and industrialisation.

2. STUDENT AS PARTNERS

Students as Partners (SaP) is a pedagogical approach that has been embraced recently by many institutions of higher education primarily in the US, the UK, Canada, and Australia and implies students and faculty/academic staff working in collaboration, as partners, to improve teaching and learning experiences (Mercer-Mapstone *et al.,* 2017). In corroboration, Healey *et al.* (2014:12) describe SaP as "a relationship in which all involved students, academics, professional services staff, senior managers, and students' unions are actively engaged in and stand to gain from the process of learning and working together". Scholars such as Bryson, (2014a); Bryson (2014b); Curran (2017); Levy, Little and Whelan (2011); Matthews (2016); and McCulloch (2009) feel the time has come to challenge and move away from hierarchical university structures that encourage a competitive 'them and us' attitude, to more collaborative approaches. That way, staff and students work together for the mutual benefit of both, in pursuit of deep learning.

3. STUDENT SUCCESS

The term, "student success," is now part of the higher education lexicon. But it is defined variously, depending on who uses the term for what purposes with what audiences (Kinzie and Kuh 2016). For example, student success sometimes refers to making educational programs and services accessible to certain groups of students and the phrase is frequently used to connote what institutions can do to assist students in attaining their postsecondary aspirations (Kinzie and Kuh 2016). Student success can infer individual or group achievement levels. For state and federal policymakers, student success typically means access to affordable postsecondary education, shortened "time to degree", degree completion, and post-college employment and earnings (Kinzie and Kuh, 2016). However, the institutional perspective views student success as meaning first-year student retention, student persistence to completion, content knowledge gains, engagement in educational processes that foster a high-quality undergraduate experience, and even students' personal success (Kinzie and Kuh 2016).

4. ACADEMIC SUCCESS

Jeffrey (2011) posits among many indicators of academic success are factors that included but were not limited to GPA, graduation rate, retention rate, annual salary the first year after graduation, and placement percentage of graduates. Studies identified academic success factors as two pronged: student factors as well as teaching factors. Personal: cognitive factors like anxiety loneliness influenced academic success (Mihaela 2015; McKenzie & Schweitzer, 2001; Ross, Drysdale, & Schulz, 2001; Zhang and Aasheim 2011). Course level: lecturers' behavior, teaching methods, subject matter, and student-lecturer interaction influenced academic success (Aysan, Tanrıöğen, & Tanrıöğen, 1996; Mayer & Patriarca, 2007). Social factors: culture differences (Aysan et al., 1996; Zhang and Aasheim 2011). Another problem in the academic success research is the tautology where one dependent variable is used to test another dependent variable. For instance, success in one course is used to predict success in another (Brookshire, Crews, & Brown 2009; Jeffrey, 2011).

Each HEI's peculiarity has not been given prominence, yet IHEs are not necessarily identical nor are their students. Scholars found few studies based on student perspectives of academic success (Zhang and Aasheim, 2011). Often, researchers examining academic success quantify it based on assessment grades (Cachia, Lynam and Stock, 2018). Scholars are quick to point to the flaw of using academic success that is devoid of student's perspective and thus argue academic success cannot be defined for students since different students may have different definitions of academic success (Jeffrey 2011; Cachia, Lynam and Stock 2018). The scholar notes that a student might define success differently than a faculty member or an administrator (Jeffrey 2011; Cachia et al. 2018).

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Depending on how success is defined, the factors that are important to success could vary (Cachia et al. 2018). This assumption is questioned by considering the students' conceptualisation of academic success (Cachia et al. 2018) who identify 6 elements for academic success that include '*satisfaction, acquisition of desired knowledge, skills and competencies, persistence, attainment of educational outcomes,* and *post-college performance*' (2018:5). Busato, Prins, Elshout, and Hamaker (2000) assert students' learning style and achievement motivation affect academic success. The government of Zimbabwe through the Council for Higher Education Act (ZIMCHE) (2006) set up ZimCHE. Many IHEs do not have formal quality promotion policies or structures to meet the audit requirements and are in the process of reviewing their practices (Majoni, 2014; Tapera and Kuipa, 2016).

Most Zimbabwean IHEs use peer review as the main quality assurance mechanism. Engaging students to define their academic success perspective is a necessary avenue for exploration, and therefore planning of how they can achieve their goals throughout their time at university and beyond Senate is the main quality assurance body. Reliance is on external reviewers or examiner. The paper pursues reconfiguring academic-success matrix by IHEs. Tracks student-involvement component therein and proposes change-management processes toward quality assurance. IHEs have, during the massification of higher education reduced success criteria to increased enrolment and graduation figures captured in Vice Chancellor's Reports, Graduation speeches marked by statistics depicting 'this success'. Oblivious of downstream utility to graduated students, employing industry and community in goods and services.

Herminio (2005) cited in Aluko, Adenuga, Kukoyi, Soyingbe and Oyedeji (2016) classified two factors affecting academic success, namely: internal and external factors. The internal factors are class schedule, class size, classroom environment, role of the lecturers, technology and nature of examination while the external factors include extracurricular activities, family and work activities. Herminio's (2005) findings show that internal factors are much more significant than the external factors. Further, Ling et al. (2010) cited in Aluko et al. (2016) examined the effect of teaching and learning approaches on academic performance. It was found that the growing teaching approach and the achieving motive learning approach are related to improved academic success. Similarly, studies (e.g. McKenzie and Schweitzer 2001; Win and Miller, 2005) cited in Aluko et al. (2016) have demonstrated that prior academic performance has significant impact on the academic success of first-year university students. Scholars contend numerical assessment scores/grades obtained in a subject may not be a true reflection of the knowledge gained by a student on a topic/subject; a numerical score/grade obviously remains the most available proxy for measuring academic success (Bone and Reid 2011; cited in Aluko et al. 2016).

Wilson et al. (2014); cited in Haughery (2017) postulate student engagement as an intermediate outcome to academic success that is evident in students within a shorter timeframe than other facets such as academic achievement and persistence. Citing Nelson et al. (2015), Haughery (2017) considers student engagement as directly proportional to learning achievement by students wherein Von Strumm, Hell, and Chamorro-Premuzic (2011); cited in Haughery (2017) found the interaction effects between student effort and student intellectual engagement such as intellectual curiosity to be a good predictor of academic success. Similarly, Light (1992, 2004) cited in Haughery (2017) denote student engagement, marked by student involvement in learning, as a critical factor in educational development, while Kamphorst, Hofman, Jansen, and Terlouw (2015) argued it was pivotal to student persistence. Pintrich, Smith, García, and McKeachie (1993) suggest engagement to be a function of student motivation cited in cited in Haughery (2017).

Engagement requires not only being active but also feeling and sense making (Harper and Quaye 2009; cited in Gunuc 2014). Bomia and colleagues (1997) define student engagement as students' willingness, needs, desire motivation and success in the learning process. Hu and Kuh (2001) and Kuh (2009) refer to student engagement as the time allocated by students to educational activities to contribute to the desired outcomes and as the quality of their related efforts. Stovall (2003) cited in Gunuc (2014) suggests student engagement includes not only the time students spend on tasks but also their willingness to take part in activities wherein Krause and Coates (2008) associate student engagement with high quality in learning outcomes (cited in Gunuc 2014).

5. STATEMENT OF THE PROBLEM

There is need to ensure academic success affects stakeholders positively (not necessarily the same way). Student involvement has been peripheral among IHEs, straddling on manipulation and tokenism at most. HEI management has been mired in inefficiency lamented as lack of relevance of HEI management qualifications, skills and experience to higher education mandates. Students are preferentially involved. Enrolled to existing programme designs; measured based on existing success criteria and rules. Previous studies show that employers feel HEI graduates are too theoretical, have wrong attitudes, and were unwilling to learn. Students face the problem of unemployment since employers feel universities are offering courses that are not in line with their requirements and graduates are ill-equipped for the jobs available (Nherera 2000). The challenge is to produce graduates whose knowledge and skills create employment; produce goods and services; and are employable by relevant industry, yet without involving industry in crafting the IHE mandates, itself reflecting lack of multi-stakeholder management approach. York *et al.* (2015) suggest the importance and imperative of academic success through achieving set objectives of knowledge and skill development during the process of learning

with goods and services. They underscore the need to reconfigure the academic success matrix through student involvement by highlighting implications for higher education institutions in Zimbabwe understand factors underlying students' academic success among IHEs (York *et al.,* 2015).

6. RESEARCH QUESTIONS

What academic success criteria do IHEs students want?

What were the students' roles in crafting the Doctrine Education 5.0?

How are student involved vis-à-vis IHE success criteria?

Of what relevance are IHE management skills set to IHE stated mandates?

Fig.1: Theoretical Framework- Partnership Model for Academic Success

The figure 1 above portrays engaging students as partners as a powerful idea, the implementation of which has the potential to transform higher education (Healey, Flint and Harrington, 2014). Cook-Sather, Bovill and Felten, 2014) for example, highlight that benefits for students and faculty engaging in learning and teaching partnerships are similar and include increased engagement with learning and enhancement activities, transformed thinking about teaching and learning, and developed awareness of one's own role and agency in the wider academic learning community. More succinctly put, Hardy and Bryson (2016); Curran (2017); Mercer-Mapstone, Dvorakova, Matthews, Abbot, Cheng, Felten, Knorr, Marquis, Shammas and Swaim (2017) describe such partnership as student-staff partnership (SSP). This partnership is gaining momentum in teaching and learning in higher education as an enabler of student engagement to co-design e-learning materials and support learner engagement Mercer-Mapstone *et al*., 2017).

Partnerships and collaborations are advocated as a means to address problems plaguing higher education (Eddy, 2010). Institutions of higher education often partner because they share interest in students' success through focus on student learning initiatives (Eddy, 2010). When defining partnership, Cook-Sather *et al.* (2014) underscore respect, reciprocity and responsibility as three important principles to be taken into account in all partnerships in higher education. These basic characteristics of successful partnership set faculty and students up for developing trusting and respectful relationships, for sharing not only power, but also risks and responsibilities for learning (Cook-Sather et al., 2014). Scholars have argued that "leadership should consider partnership and reciprocity, upon which partnership is based as fundamental for success" (Cook-Sather and Felten, 2017:175). These principles are reinforced by five determinants to partnership success that include commitment to partnerships, curriculum and learning, quality and risk management, geographic and economic settings, and change management (Chou, 2012).

The imperative of student involvement is highlighted in arguments by The National Union of Student's (NUS (2012:8) who argue that "at its roots partnership is about investing students with the power to co-create, not just knowledge or learning, but the higher education institution itself. Students as partners as a concept interweaves through many debates, including assessment and feedback, employability, flexible pedagogies, internationalisation, linking teaching and research, and retention and success (Healey *et al.*, 2014). The scholars outline eight principles and values underpinning student partnership success explained as follows:

Authenticity: all parties have a meaningful rationale for investing in partnership, and are honest about what they can contribute and the parameters of partnership. **Inclusivity**: partnership embraces the different talents, perspectives and experiences that all parties

bring, and there are no barriers (structural or cultural) that prevent potential partners getting involved. **Reciprocity**: all parties have an interest in, and stand to benefit from, working and/or learning in partnership. **Empowerment**: power is distributed appropriately and all parties are encouraged to constructively challenge ways of working and learning that may reinforce existing inequalities. Lastly, **Trust:** all parties take time to get to know each other, engage in open and honest dialogue and are confident they will be treated with respect and fairness. **Challenge**: all parties are encouraged to constructively critique and challenge practices, structures and approaches that undermine partnership, and are enabled to take risks to develop new ways of working and learning. **Community**: all parties feel a sense of belonging and are valued fully for the unique contribution they make. **Responsibility**: all parties share collective responsibility for the aims of the partnership, and individual responsibility for the contribution they make (HEA, 2014; Healey *et al.,* 2014:14-15).

Engaging students actively in their learning is the most common form of partnership. Only where students are given a significant amount of autonomy, independence, and choice can this be considered partnership. "High impact" learning experiences in terms of retention and depth of learning (Kuh, 2009) and generating student engagement (Evans, Muijs, & Tomlinson, 2015) are characterised by active and experiential learning (Healey *et al.*, 2016). SaP places responsibility of teaching and learning on teachers and students, arguing that students have an active role to play in the decisions about what and how to learn. The Students as Partners model challenges and scrutinizes foundational features of current higher education system. These include but not limited to among others: Its non-democratic, hierarchical structures; its focus on predetermined learning outcome; and its view of student as client. Bovill and Bulley (2011, p.181) also give specific examples of what each ladder of ASP might look like in practice. For example, 'Partnership – a negotiated curriculum' could be "student experience and work used as basis for curriculum; students actively and meaningfully negotiating curriculum with tutor" (2011, p.181); 'Students in control' might involve "Student designed learning outcomes and projects. Student led journal clubs, student led journals" (2011, p.181). They also acknowledge that "locating examples of this top rung is challenging within the current higher education context, where our systems of quality assurance require courses to be validated and reviewed on the basis of clear intended learning outcomes and assessments".

7. RESEARCH METHODOLOGY

This study used a mixed methods research design. A ''mixed method design'' is characteristic of post-positivist research wherein researchers within this paradigmatic purview outline several shortcomings of using quantitative research techniques in isolation when seeking to understand complex social issues (Phoenix, Osborne, Redshaw, Moran, Stahl-Timmins, Depledge, Fleming & Wheeler, 2013), hence the incorporation of qualitative measures to address such shortcomings. Mixing methods can, therefore, be viewed as a pragmatic style to conducting research (Creswell and Plano Clark, 2011; Phoenix *et al.,* 2013), and has risen in popularity over the last 20 years (Johnson *et al.,* 2007; Phoenix *et al.,* 2013). In this context, gathering data using both quantitative and qualitative methods produces a range of results, which are subsequently triangulated to provide an overarching finding (Phoenix *et al.,* 2013).

The approach under this purview is thus mixed in nature, combining inductive and deductive reasoning to research that fuse objective and subjective reality to enhance fuller understanding of phenomena. The metaphor of a triangle signals the use of multiple reference points to locate a singular position (Denzin, 1978; Phoenix *et al.,* 2013). Crucially, it is this act of seeking an objective, singular truth through the processes of triangulation, which differentiates the post-positivist from the interpretive paradigm (Phoenix *et al.,* 2013).

The study used the multi-case study research strategy that assessed for reconfiguration a selected institution of higher education in Zimbabwe. The IHEs were conveniently selected for accessibility to the researchers and used to identify students' preferred success criteria among IHEs; describe student involvement challenges in crafting IHE success criteria towards reconfiguring the academic success criteria IHEs use from a student involvement perspective. The three IHEs were conveniently selected from a sampling frame comprising 24 registered universities including 14 State-run universities (Ncube, 2019; Garwe and Thondhlana, 2015).

Multistage sampling was used which included purposive targeting of offices known to handle quality assurance issues from them referrals were followed as snowballing to fifteen respondents. The study targeted a population of quality assurance managers and officers among the three IHEs and members of the Student Representative Council (also known variously as Student Executive Council). Fifteen (15) respondents completed questionnaires whose data were entered in and run using the Statistical Package for Social Scientist (SPSS). Results are presented and discussed below.

8. RESULTS AND DISCUSSION

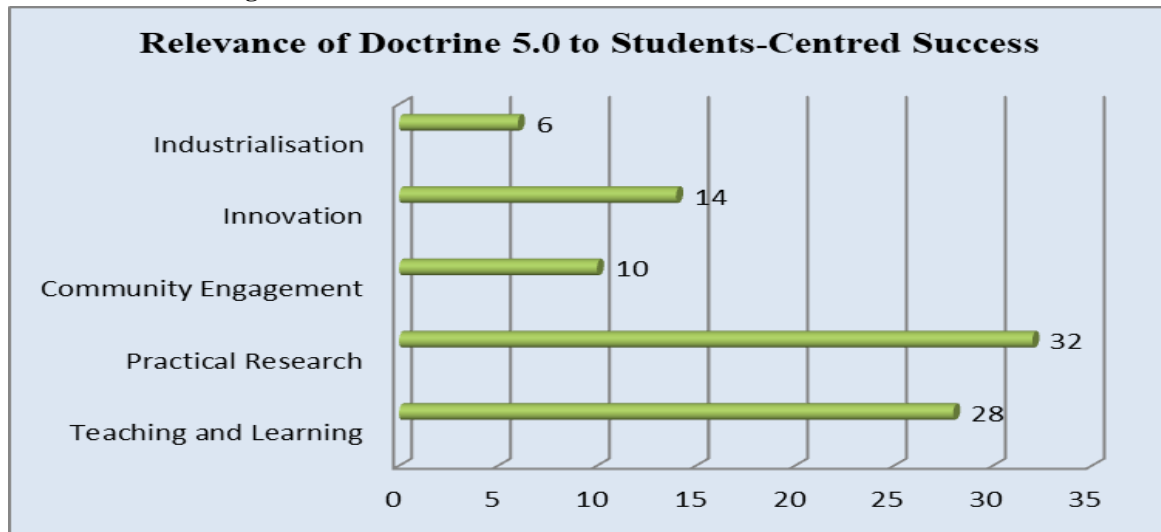**Fig.2: Doctrine 5.0 Success Criteria's Relevance to IHE Students**

Fig.2: Success Criteria Factors

The figure 2 above highlights the relevance of the Doctrine Education 5.0 to students. Asked to select the top two most relevant components of the doctrine for student centred success, respondents' views are depicted in Fig.2 above. Respondents require *practical research* to lead while *teaching and learning* among STEM IHEs supports what students have seen and used in practice. Community engagement; innovation, and industrialisation were a distant third, fourth and fifth respectively.

Fig. 3: Student's Roles in Crafting Academic Criteria: Ranking out of 5 each of the Following Student as Partner Components
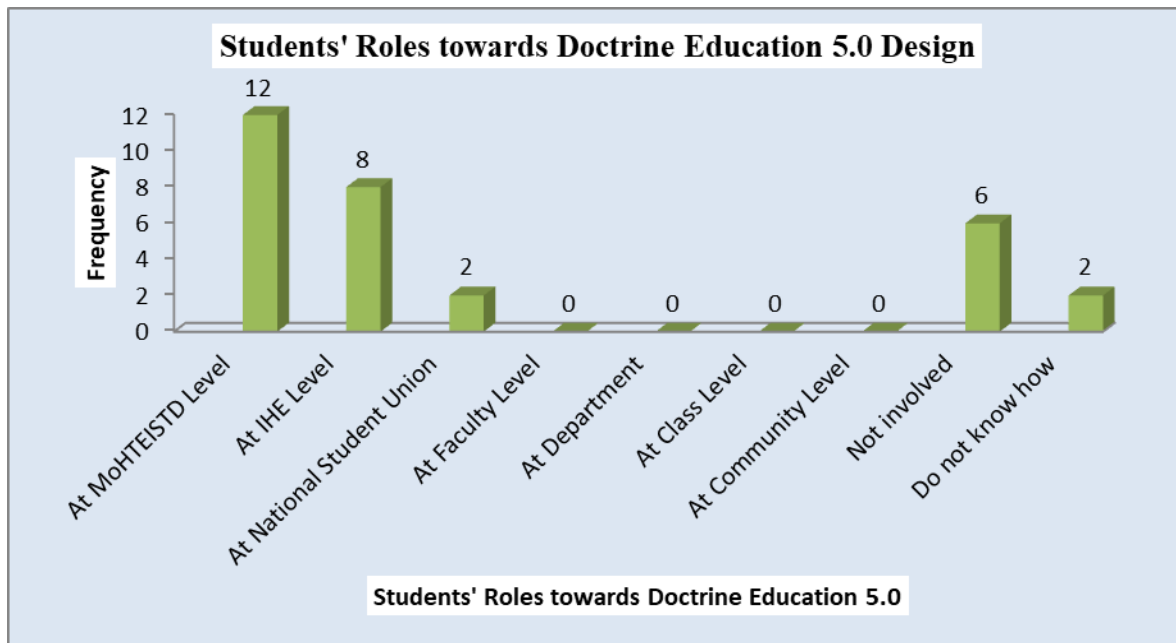
Clearly, Figure 3 above shows the extent of student involvement towards the attainment of the country vision enshrined in the Doctrine Education 5.0 of producing IHEs whose output involves goods and services as well as graduates of utility to both industry and communities through the same. The figure highlights this drive as fronted mainly by the Ministry of Higher Education, Innovation, Science and Technology Development and closely reflected among IHE management level (8) although such student involvement is barely visible at other for all other levels, hence marked by contrasting non-involvement (6) and ignorance (2) about the doctrine among IHE stakeholders. Non-involvement of students as business stakeholders is indicative of inadequately skilled IHE chief executive officers; hence Chou (2012) alludes to "outsourcing should be seriously considered as an institutional strategy for any product, service, facility, or function that campus engages in, so long as it helps fulfil the institution's mission". With IHE

management technically skilled in specific niches taught by IHEs rather than managerial conceptual skills, yet being at the helm of IHEs, outsourcing is not implementable.

Fig. 4: Students' Ranking of Doctrine 5.0 for Academic Success
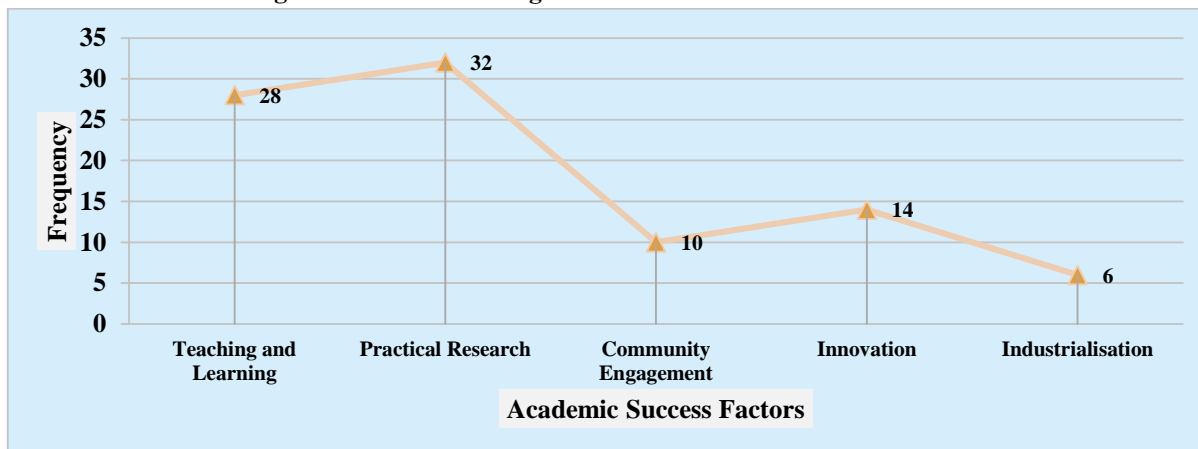
Of the five key result areas against which IHEs are evaluated by the quality assurance agency (i.e. ZimCHE), the evidently understood and prominent success factors recognised by IHEs are teaching and learning as well as practical research. The two make up the bulk of IHE activities (lecture rooms and during dissertation), as routines outside which little student involvement takes a dip in community engagement, innovation and industrialisation depicted in figure 4 above. Scholars variously argue such a grotesquely skewed bias tends towards the argument by Bryson, 2014a; Bryson, 2014b; Levy *et al.* 2011; Matthews, 2016; McCulloch, 2009, Curran, 2017) that its time to challenge this paradigm and move away from hierarchical university structures entrench 'them and us' attitudes, to more collaborative approaches. In these, staff and students work together for the mutual benefit of both, in pursuit of deep learning such as community engagement; research-innovation; and industrialisation wherein students are in control of their learning process. Clearly, IHEs' success criteria exclude student interests and involvement, tending toward top-down teaching and research where students are handheld and exercise no control of their own.

Fig. 5: Students' Involvement in Academic Success Criteria of IHE
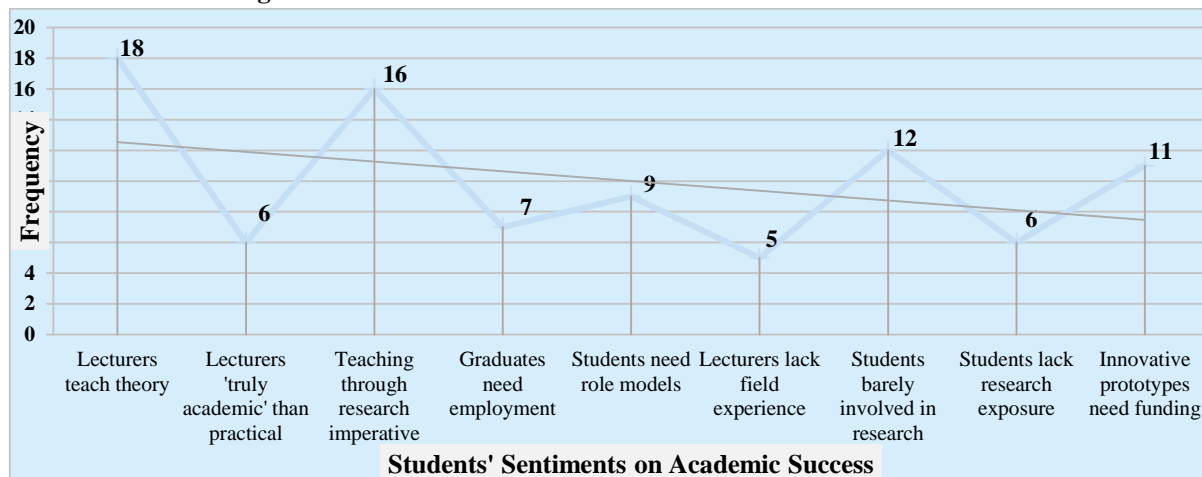
Figure 5 depicts the academic success factors among IHEs and the frequency of their reference by respondents of IHEs as such dominated by top down approaches that subdue students' voice in the core business of IHEs. Dominant emergent themes include that: '*lecturers teach theory*' (18) in which is subsumed '*lecturers truly academic than practical*' (6); hence justify *'teaching through research imperative' (16)* which also implies '*students barely involved in research*' (12); to '*innovative prototypes need funding*' (11) respectively. Scholars have posited the desirability to move from a content-focused, teacher-led climate to learning approaches that focus on what the student does and engages students in active learning (Biggs and Tang, 2011; Entwistle, 2009; Curraan 2017).

Doctrine Education 5.0 Components Analysis- Fig.6: Teaching & Learning

The section juxtaposes the Doctrine Education 5.0 components used by ZimCHE to evaluate IHEs in Zimbabwe against the eight point standard template of '*students as partners*' factors that include authenticity; reciprocity; inclusivity; empowerment; trust; community; and responsibility.
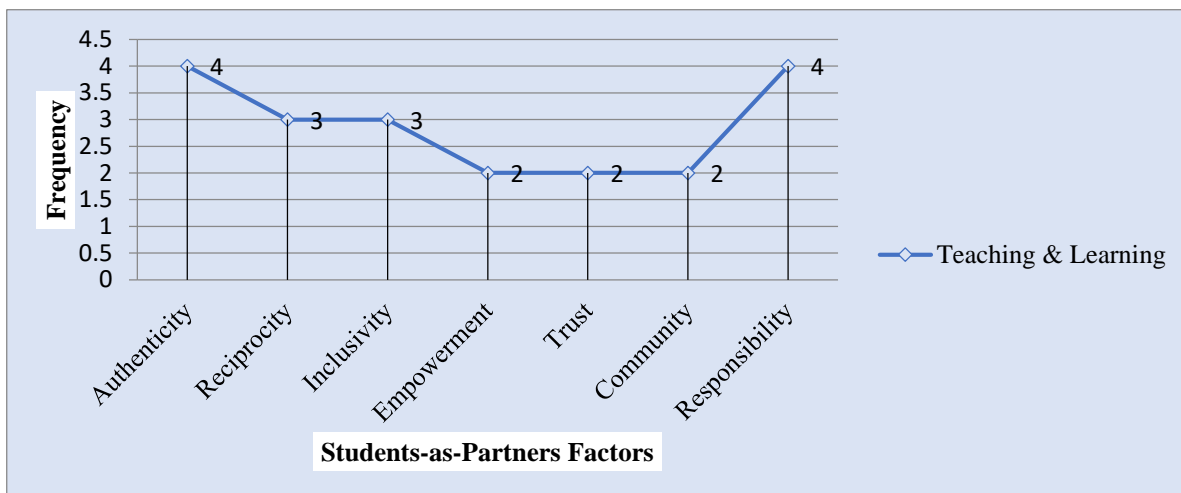
Figure 6 above shows a lack of empowerment approaches to IHE delivery; lack of trust in student involvement exacerbated by unshared responsibility for IHE activities. This explains the reliance on teaching and learning as the main method of delivery and research at the terminal part of the students' studies for dissertation.

Fig.7: Research vis-à-vis Eight Students as Partners' Components
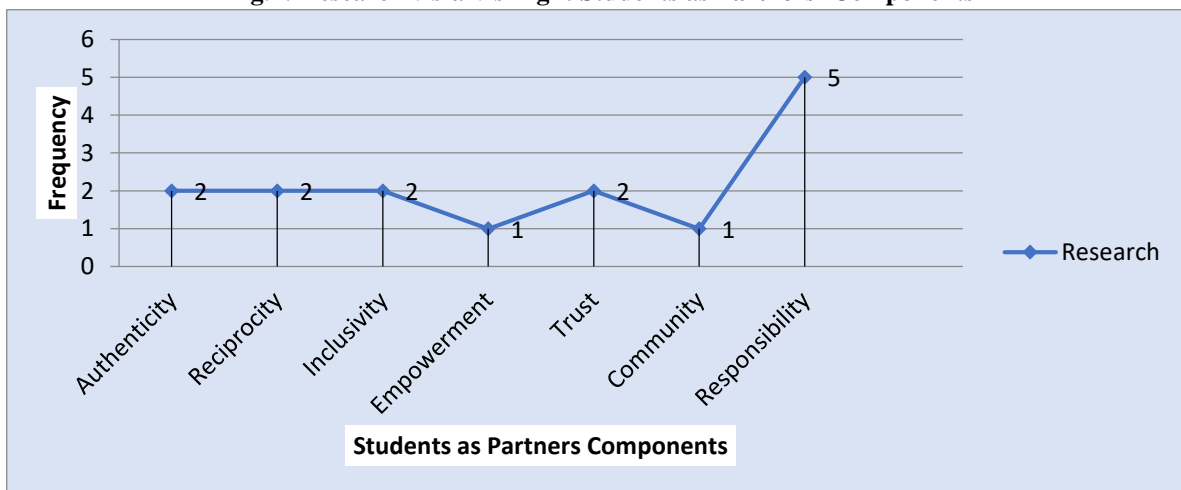
In the figure 7 above is clearly shown the consistency with which authenticity, reciprocity and inclusivity have been treated among IHEs at a minimal level while the empowerment component has been neglected, reflected by a dip where trust and community concept are equally at minimal levels. Although the study notes that responsibility has been shared by IHEs, arguably, this has been on research as partial fulfillment of the requirements of each of the programmes as dissertations done by students. Healey et al. (2014) recommend subject-based research and inquiry.

Fig. 8: Community engagement vis-à-vis the eight components of students as partners
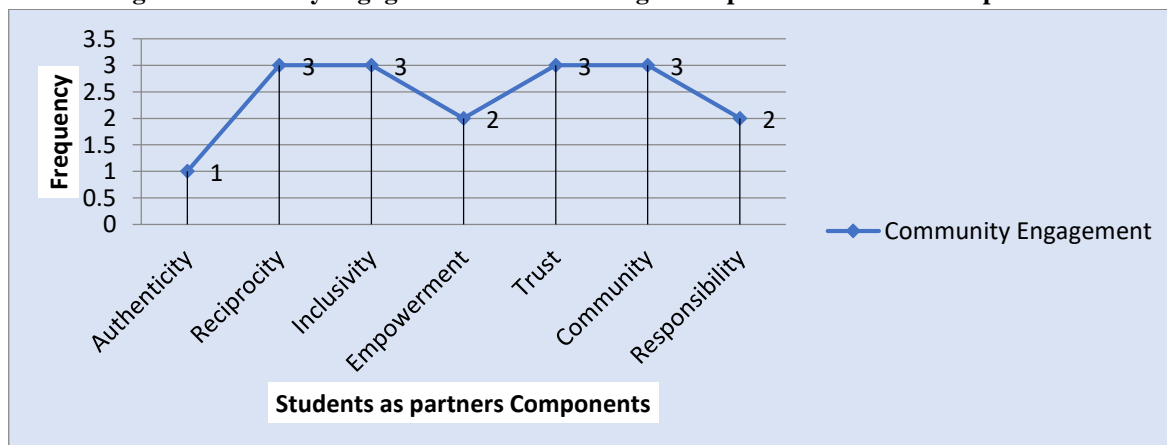
Reconfiguring the Academic Success Matrix through Student Involvement: Implications for a Higher Education Institutions: A Case of Three Selected Universities in Zimbabwe

There is lack of authenticity in the nature of community engagement undertaken by IHEs for student teaching and learning purposes although reciprocity, inclusivity has been fostered mainly through industrial attachment within communities. Empowerment attempts remain suppressed although students have been trusted more in engaging the community in a sense of belonging and responsibility therein. This may of necessity positively contribute to positive student learning outcomes per se since students engage communities on other activities like sporting.

Fig. 9: Innovation vis-à-vis Students as Partners Components
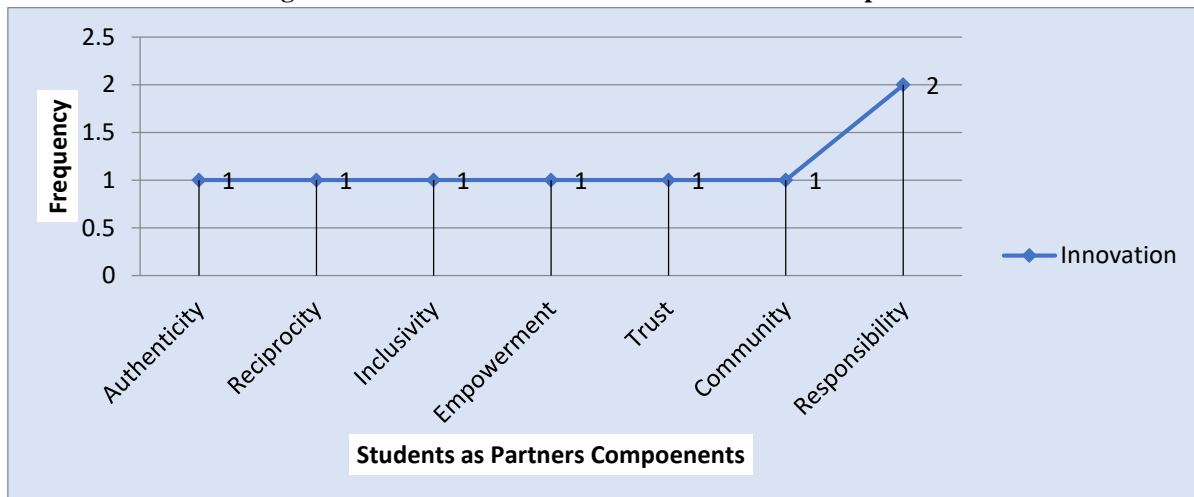
Innovation as a form of teaching and learning for both staff and students has largely been constant in its consistency of inadequacy across all components except responsibility given to students without corresponding support, financial empowerment, hence the study scored lowly in authenticity of such responsibility for innovation.

Fig. 10: Industrialisation vis-à-vis Students as Partners Components
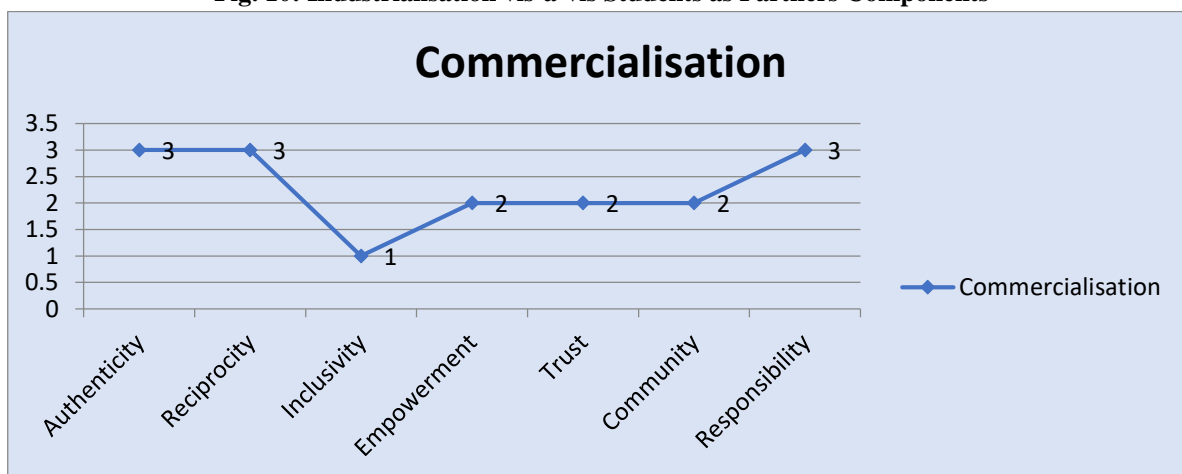
Fig.11: Relevance of IHE Management Skills Set to IHE Stated Mandates
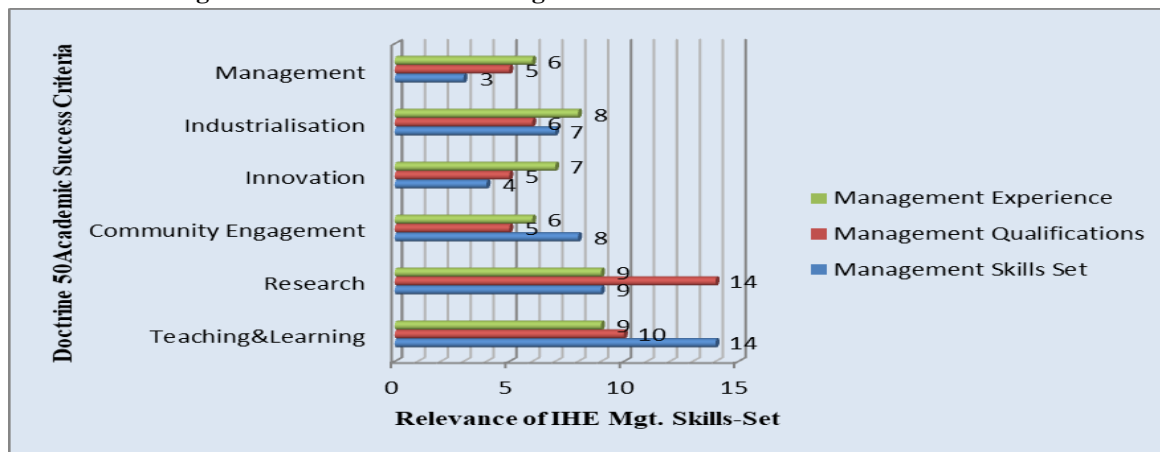
The figure 11 shows the relevance of IHE management's qualification, skills and experiences vis-à-vis the doctrine education 5.0 deliverables for which they are responsible. The mode (the highest frequency) marked by respondents who hold the view IHE management skills-set (14) and qualifications (14) set them apart for 'research' and 'teaching and learning' as the over-arching deliverables matching their qualifications and skills. IHE management qualification and experience, from the figure above are closely related and directly linked to the achievement of teaching and learning (12); research (12); industrialisation (8); innovation (7); and lastly community engagement in that order. Of the above 5.0 academic success criteria, a negligible six felt IHE management's experience (6) positioned them for management, followed by those who felt the qualifications (5) were befitting to deliver on stated IHE mandates and lastly management skills-set (3)'s appropriateness for IHE management.

These are a far cry when juxtaposed with IHE core business as depicted by teaching and learning, research, community engagement, innovation and industrialisation respectively. From the figure 11 above, one can glean that IHE managers, who are branded Vice Chancellors and often hold Professorship titles are adequately skilled to handle two of the five academic success criteria (Teaching and Learning, as well as research through which their titled are earned). However, the innovation, Industrialization /commercialization and community engagement, within which student involvement/engagement falls) are a domain where business chief executive officers excel and have grown large corporations through. It is thus prudent to allow such CEOs to lead IHEs while Professors deputies them for academic success standards.

10. SUMMARY AND CONCLUSION
This section unpacks the conclusions and recommends the appropriate action at three levels, first the policy level that targets legislative reforms on IHE management; then implementation level for University Councils and the IHE Senior Management; lastly, recommendation for further study.

11. WHAT ACADEMIC SUCCESS CRITERIA DO IHES STUDENTS WANT?
Students-as-partners or co-producers at institutional levels were not consulted when the Doctrine Education 5.0 was crafted, to the neglect of many would be success factors from students and industries that consume them as products post-graduation. Engaging students as partners is a powerful transformative idea supported by Healey *et al.* (2014) whose implementation requires change and its management in higher education.

Cook-Sather *et al.* (2014) for example highlight benefits for students and faculty engaging in co-designing; co-developing curriculum; co-researching; co-learning; and teaching partnerships including increased engagement with learning and enhancement activities, transformed thinking about teaching and learning, and developed awareness of one's own role and agency in the wider academic learning community. More succinctly put, Hardy and Bryson (2016); Curran (2017); Mercer-Mapstone, Dvorakova, Matthews, Abbot, Cheng, Felten, Knorr, Marquis, Shammas and Swaim (2017) describe such partnership as student-staff partnership (SSP).

Such partnership is gaining momentum in teaching and learning in higher education as an enabler of student engagement to co-design e-learning materials and support learner engagement Mercer-Mapstone *et al.*, 2017). There is a gap in the academic success criteria, of management capabilities among IHE managers yet this is not one of the academic success criteria used in Zimbabwe despite that fact that MoHTEISTD and ZimCHE expect such management prowess to just follow.

12. WHAT WERE THE STUDENTS' ROLES IN CRAFTING THE DOCTRINE EDUCATION 5.0?
Students not involved in crafting the Doctrine Education 5.0 that emphasises lecturer-biased deliverables and are barely applicable to students. Students view themselves as the core of IHE mandates hence argue their views are necessary in the Doctrine. Students participate in virtually all the five criteria of success not as partners but rather than passive recipients.

The study concludes academic success is measured from an institutional perspective. All interests must be captured when crafting important criteria like the Doctrine Education 5.0, including industry, IHEs, students in IHEs, communities, research institutes, funders, private sector and government entities alike to guarantee success.

13. HOW ARE STUDENT INVOLVED VIS-À-VIS IHE SUCCESS CRITERIA?
At individual level, students view academic success criteria largely as peripherally relevant on three of the five criteria. These are *'practical research'* conducted during the terminal part of student life at IHE through dissertation, lecture-room experiences through '*teaching and learning'* and potential *'innovation'* respectively and viewed community engagement and industrialisation as lesser concerns to them but the IHEs and other stakeholders. The study concludes academic success criteria are subjective and varied to different stakeholders hence a one-size-fits-all template cannot be applied successfully.

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The shift in IHE management and governance was remarkable change within higher education that was unmanaged, with telling implications for IHEs visions and stated missions that are divorced from expectations of other stakeholders like industry as the actual consumers of IHE products, the students.

14. OF WHAT RELEVANCE ARE IHE MANAGEMENT SKILLS SET TO IHE STATED MANDATES?

Bringing together the bigger IHE picture requires in a manner designed to achieve and pull together towards stated overall vision and mission is a Chief Executive Officer's mandate, for which few if any academics are trained or prepared despite being thrust into host leadership positions they find themselves in as Vice Chancellors and Pro-Vice Chancellors respectively, hence often fail in that aspect of management.

The mandates IHEs are given under the current higher education perspectives that demands the satisfaction of all IHE stakeholders, whether as clients, customers, consumers, or co-producers require a business approach to the whole sector yet those specifically described as the relevantly skilled and qualified have none of the skills set that make a business executive but one of a top academic instead.

The study concludes that professors are least qualified and skilled to lead IHEs on the implementation of IHE success criteria as they currently stand under Doctrine Education 5.0. An envisioned dichotomized reconfiguration of the success criteria as conclusions juxtaposing current expertise between professors and business executive (CEOs) by criterion is outlined below:

CRITERIA	AS CURRENTLY STANDS IN PRACTICE
1. Teaching	This is a specialised area of expertise presided over by top academics like Professors/PhD holders in various disciplines. Lecturers ought to continuously learn how to deliver better outcomes in IHEs to stay abreast with global demands and success standards, hence separation for measurability of outcomes.
2. Learning	This ought to be separated from teaching since they do not belong to one category and are not presided over by the same group. This is a specialised area presided over by IHE students and is marked by active listening, mastery, learning, and practice (application) under tutelage by lecturers, instructors and technicians as appropriate.
3. Research	This domain is currently shared between both IHE academics and business organisations albeit with different outputs. Academics use research to resolve societal problems culminating in publications that contribute to new knowledge while business organisations use research to determine markets, innovate and commercialise/industrialise. Thus research in IHEs must have been coupled with the logical output of publications rather than innovation and industrialisation. Alternatively, the doctrine education 5.0 (D.E 5.0) must have come with a paradigm shift, handing IHEs to CEOs as Vice Chancellors based on expertise that favour such a scenario, with 4/5 of the current success criteria dominantly presided over by CEOs against 1/5 in favour of teaching presided over by professors and PhD holders who are largely 'academic' in approach. It is recommended research be split to two, with (a) focusing of research for publication while (b) research for innovation and commercialization.
4. Innovation	Special area of expertise currently presided over by business executives such as Econet Wireless; United Refineries, Delta Beverages among others. This area is too broad and requires subdivision to a) Theory-producing innovation; b) Products/Service producing innovation
5. Industrialisation / Commercialisation	This is currently presided over by business organisations albeit slow. It also ought to be subdivided into two, with a) Consultancy Services and b) Products
6. Community Engagement	This area is shared by IHEs and business organisations through: **Business Organisations:** Market Surveys Corporate Social Responsibility (CSR) Source of Employees/Markets **IHEs Domain:** Problem solving research (applied research)

	Attachment/Field based practical learning
	Source of students

15. RECOMMENDATIONS

Policy level: MoHTEISTD and ZimCHE

Change from Education 3.0 needs to be managed appropriately by ensuring that the academic success criteria includes management traits and factors to facilitate business management approach to higher education sector.

IHE (University/College) Council Implementation Level:

IHE stakeholders hold the view that IHE managers must, of necessity hold chief executive officers' qualifications and requirement to lead and manage IHE rather than the current scenario where technically skilled fellows are appointed Vice Chancellors, often with management gaps glaring. Thus the MoHTEISTD should dissuade itself from appointing Professors as Vice Chancellors but appoint CEOs. 5.0 must be a template across stakeholders as there is a danger of leaving important stakeholders behind till too late

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Learning Vocabulary in the App Store by EFL College Students

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ABSTRACT: This article gives examples of mobile vocabulary apps (MVAs) that can be downloaded from the Google Play or Apple App Stores and used as extension activities or a supplement to in-class vocabulary instruction in EFL such as English word study, advanced English vocabulary, test your English vocabulary, English vocabulary level I, II & III, 1000 TOEFL words and others. There are also mobile dictionary apps, graded vocabulary tests for assessing vocabulary knowledge and skills and vocabulary trainers for the TOEFL and IELTS test vocabulary. In addition, the article gives guidelines for searching for, selecting, and using MVAs, the phases of teaching with MVAs and the instructor's role. The instructor can help the students find and download relevant MVAs, give pre-questions, and follow the students up to make sure they are making the best use of them. Recommendations for using MVAs with EFL freshman students are given.

KEYWORDS: mobile apps, vocabulary apps, vocabulary acquisition, vocabulary learning, mobile learning

I. INTRODUCTION

Many young people spend a great deal of time interacting with their mobile devices. Smart phones feature an Android and Apple App Stores which have thousands of applications in a variety of subject areas and categories including language learning. Students of all ages and areas of specialties can use mobile apps to develop their listening and speaking skills (Al-Jarf, 2021f; Al-Jarf, 2021i; Al-Jarf, 2020b; Al-Jarf, 2012a). They can use reading and literature apps (Al-Jarf, 2021b; Al-Jarf, 2016; Al-Jarf, 2015; Al-Jarf, 2012b); writing and academic reading apps (Krause, 2018); dictionary skills apps (Al-Jarf, 2021g; Al-Jarf, 2020a); standardized test apps (Al-Jarf, 2021h); and general English language learning apps (Al-Jarf, 2020c; Cheng & Kim, 2019; Mindog, 2016). Children can use English an Arabic language learning apps on their iPads, and tablets (Al-Jarf, 2021c; Al-Jarf, 2021d). Similarly, special needs college students can use mobile Apps to learn English (Al-Jarf, 2021a).

In addition, the Android and Apple App Stores have a multitude of vocabulary applications that English as a Foreign Language (EFL) students of different proficiency levels can download and use for developing their vocabulary skills through mobile learning. A review of the literature has revealed numerous studies that utilized a variety of game-based vocabulary learning apps (Li, 2021; Redd & Schmidt-Crawford, 2011); a self-developed game-based smartphone app called "Saving Alice" for developing the TOEIC standardized test vocabulary and spelling (Yang, Wu & Wu, 2020); a *VocabularySpellingCity* app that provides users with activities to learn vocabulary, spelling, phonics, and writing (Krause, 2018); and *MEVLA-GF*, a novel mobile English vocabulary learning app designed with game-related functions (Chen, Liu & Huang, 2019). The researchers found that students who used those game-base vocabulary apps benefited more in vocabulary achievement, motivation, self-confidence, and made greater improvement in vocabulary retention. Game-based vocabulary learning apps enhanced students' vocabulary learning outcomes and vocabulary learning performance. The frequency of using game-based mobile apps correlated with vocabulary learning outcomes. The type of techniques in using the app showed that the "process of elimination" and "roots/word parts" are tools for helping students in mastering their vocabulary.

More studies in the literature designed special vocabulary apps for specific groups of primary and college students. In Taiwan, Chen, Chen and Yang (2019) developed an English vocabulary learning app with a self-regulated learning mechanism *(EVLAPP-SRLM)* to help 5th grade students improve their self-regulated learning abilities, in order to improve their learning outcomes and motivation in the mobile learning environment. Students who used the app exhibited significantly better learning performance and motivation than those who did not. In Selangor, Malaysia, Jalaluddin, Darmi, and Ismail (2021) analysed the effect of using Mobile Augmented Visual Reality on English vocabulary development of low-achieving primary school students enrolled in the LINUS program. Results of the British Picture Vocabulary Scale II given to the students revealed an increase in their scores and that the Mobile Augmented Visual Reality materials could be used as an interactive tool in learning EFL vocabulary by low achieving students. In a third study, at risk learning disabled third-grade English language learners practiced 36 vocabulary words selected from the third

grade Dolch Word List using the iPad application *Learning Touch*, *First Sight Words Pro*. The students' word recognition, word meaning, and word application scores increased. Using the iPad and iPad app helped the students learn English vocabulary (Xin & Affrunti, 2019).

At the university level, Makoe and Thuli (2018) designed and implemented a vocabulary learning mobile app named *VocUp* to enhance the English vocabulary teaching and learning in Open Distance Learning in South Africa. At Zayed University in the UAE, Bowles (2017) reported that the majority of female Emirati students had an insufficient receptive vocabulary size for beginning an undergraduate degree course taught in English. So, the researcher developed and customised a mobile app to address students' weaknesses and to help them reach the required vocabulary learning goal. Freshman students from two English conversation classes in a private university in central Taiwan reported that the *MEILA (My English Idiom Learning Assistant)*, which is an animation, video-based app developed by Wu, Lin, Marek, and Ou Yang (2021) significantly enhanced the learning outcomes of English idioms. The sequential analysis used showed English instructors an example of monitoring learning behaviors to improve teaching materials and methods. In Hong Kong, Kohnke (2020) and Kohnke and Ting (2021) designed a gamified, discipline-specific vocabulary learning app called *"Books vs Brains@PolyU* with 20 levels to help undergraduate students at an English-medium university improve their Second language (L2) receptive vocabulary. The students found it useful and motivating, and it helped busy undergraduates build and expand their knowledge of discipline-specific vocabulary. The students preferred mobile apps with gamified features.

Some other studies in the literature compared mobile vocabulary learning apps and other modes of vocabulary learning. A study by Lin and Lin (2019) reviewed 33 studies to compare the benefits and limitations of mobile-assisted L2 vocabulary retention and short message services (SMS), multimedia message service (MMS), and mobile apps. The results showed a positive and large effect of mobile-assisted L2 word learning interventions. The SMS and MMS modes were more beneficial for L2 word retention than the mobile application mode. In Turkey, EFL students at two state universities learned 40 collocations via the *CollocatApp* for 14 weeks, while the control group used worksheets. The post-test revealed a significant difference between the experimental and control groups in their receptive vocabulary knowledge. However, there was no difference between the two groups on the retention tests and no difference in the students' productive vocabulary knowledge. The researchers concluded that using mobile applications was an effective tool for improving receptive vocabulary knowledge for only short-term memory (Dagdeler, Konca, & Demiröz, 2020)

Further studies in the literature investigated the effects of using mobile vocabulary apps (MVAs) on developing students' vocabulary knowledge. EFL students at a state secondary school in Valencia, Spain in their A2 level of the Common European Framework of Reference for Languages (CEFR) used the mobile version of *Quizlet* to learn English vocabulary for a year. The findings proved that EFL students' vocabulary knowledge improved significantly as a result of using Quizlet for EFL vocabulary acquisition (Montaner-Villalba, 2019). Additionally, use of language learning apps as a didactic tool for vocabulary building in an EFL context for six-month fostered high school students' vocabulary building effectively (Guaqueta & Castro-Garces, 2018). Similarly, Computer Science students enrolled in English for Academic Purposes courses learnt specific academic English vocabulary from a mobile dictionary called *SPEARA*, that provided definitions and examples from authentic sources. The students' test scores, students' interview transcripts and essays revealed significant learning improvements in vocabulary knowledge. The students perceived leaning using mobile-assisted language learning (MALL) to be positive and rewarding (Simanjuntak, 2020).

Moreover, the literature showed that utilization of MVAs had positive effects on students' attitudes towards MVAs. For example, undergraduate engineering students at the South Westphalia University of Applied Sciences in Germany were interested in using Quizlet in language learning and found it a very efficient, convenient, and enjoyable learning method. It increased their motivation (Davie & Hilber, 2015). In Cheng and Kim's (2019 study, college students in Korea and China reported that mobile apps were effective for practicing pronunciation, vocabulary, listening, and reading skills. However, Chinese students had more positive attitudes because of convenience, ubiquity, and rich resources. In Iran, EFL students had positive attitudes towards the Vocabulary Flashcards 2016 app which they used for a month. The app had a positive impact on the students' vocabulary acquisition and provided them with instruction that focused on form and meaning (Ebadi & Bashiri, 2018). Chinese university EFL learners' who used a self-developed mobile app learnt more words, could retain more words. The mobile app was convenient and easy to use for vocabulary learning and was very useful and effective in their vocabulary learning and retention. They enjoyed using it in learning and remembering EFL vocabulary (Ma &Yodkamlue, 2019). MVAs helped students prepare for their final achievement test. They could learn anywhere and at any time. They appreciated the corrective feedback they were receiving and would opt for the implementation of the mobile app in other courses taught at the college (Klimova & Polakova, 2020).

Regarding the weaknesses of mobile vocabulary learning apps, Northrop and Andrei (2019) evaluated the instructional practices, types of instructional activities, and technology features of 53 vocabulary apps for English language learning and indicated that the overall app quality was poor. Visual features and the automatic translation to other languages that EFL students find beneficial were absent. In Simanjuntak's (2020) study, the students reported that MALL could not replace human interactions which could enrich their understanding and allow exchange of ideas. Iranian EFL students were dissatisfied with the Vocabulary Flashcards 2016 App's

levels and authenticity (Ebadi & Bashiri, 2018). Likewise, the students did not find MVAs very supportive in terms of communication performance. They did not find the teachers' notifications encouraging and did not use the pronunciation support much. The apps presented the words and phrases without context, and all the items were not tested in the final credit test (Klimova & Polakova, 2020). For college students in Korea and China, lack of communication and feedback was the main problem in using the vocabulary apps (Cheng & Kim, 2019).

Although mobile apps, in general, and vocabulary learning apps, in particular, are used in numerous countries to enrich students' vocabulary acquisition, there is lack of studies in Saudi Arabia that investigate the utilization of MVAs in first and second language learning at the primary, secondary and college levels. Furthermore, although many students own a smart phone, and are familiar with many mobile applications such as games, sports. and movies, they are nor familiar with language learning apps and teachers only focus on the assigned textbook and do not integrate mobile apps in vocabulary learning. Many freshman students majoring in languages, translation, linguistics, or literature find English idioms, collocations, word formation, grapheme-phoneme correspondences and others challenging to acquire and find the material and exercise in their textbooks insufficient for mastering English vocabulary. For these reasons, this study aims to show the following: (i) examples of MVAs that can be downloaded from the Google Play and/or Apple App Stores especially those that target specific vocabulary skills and specialized terminology; (ii) how to search for and select MVAs; (iii) advantages of using MVAs; (iv) criteria for selecting MVAs; (v) instructional stages with MVAs; and (vi) the instructor's role.

The current study is significant as MVAs provide students and instructors in language, translation, linguistics, and literature departments with an extra tool for vocabulary instruction that can encourage and enhance students' vocabulary skill in English. The study will show them how to locate mobile vocabulary apps, how MVAs can be integrated in EFL vocabulary instruction for freshman students, examples of mobile vocabulary app and activities used with selected MVAs and will introduce them to an instructional strategy with MVAs, in addition to the instructor's role in the mobile-assisted language learning environment.

II. WHY USE MOBILE VOCABULARY APPS

MVAs can be used as extension activities or as a supplement to in-class vocabulary instruction in language, translation, linguistics, and literature departments in Saudi Arabia. They are free, easy and quick to download, update and delete. Students can use their MVAs anywhere, anytime and as many times as they need. They can enrich their vocabulary repertoire as some MVAs contain thousands of words that help in improving the students' vocabulary. They can help the students prepare for the IELTS, TOEFL SAT, TOEIC and GRE vocabulary subtests. They target different proficiency levels: beginner, intermediate and advanced. They allow students to take advantage of short amounts of free time available to them during planned study sessions, during the day or week. They provide word meanings with examples. They help the students learn faster and remember more in a shorter time. Vocabulary items that are important or difficult to remember can be bookmarked and revised when needed. MVAs use different learning modes: *Study, Slide show, Matching, Memorize and Quiz. With the "Play" mode, in addition to look and read, look and listen, listen, and write, English Listen, read, and see*! the students can listen and learn, without having to look at the screen. The students can browse vocabulary items alphabetically, sequentially, or randomly. They can create and share MVAs on the go using the *Vocabulary Tutor*, free. They are a very effective self-testing technique. They simplify the task of preparing for the vocabulary section of any competitive exams. Different MVAs use different testing modes as well: Multiple choice tests, Group choice test and Word choice test. MVAs have customizable features, and the students can even create their own using some software and use them online or offline (See examples in the Appendix).

III. SEARCHING FOR APPS

The instructor may search the Google Play and/or Apple App Stores for English vocabulary apps targeting general or specific vocabulary skills by selecting specific search terms such as *"English vocabulary"; "homonyms"; "plurals"; "English idioms"; English collocations"; "IELTS vocabulary"; "SAT vocabulary"; TOEFL vocabulary"; "GRE vocabulary", "GRE wordlist"; "TOEFL vocabulary"; "SAT vocabulary 1000"; "TOEFL Essential Words"*, *"prefixes and suffixes"* and so on, enclosing the search term in quotation marks, and using Boolean operators (&, or, not). It is important to add the word *English* to get more accurate search results and to avoid getting apps in other languages. Once a search term is entered in the search box, Google Play will suggest related search terms. The students can also locate, select, and suggest MVAs that are of interest to them.

Examples of MVAs are: *Idioms & Phrases-IP001 (a Vocabulary application with 4000⁺ difficult English words)*; *1000 words; Abbreviations; Adjective & Adverbs; Phrasal verbs; Plurals, Collective Nouns; Prefixes & Suffixes; Sight Words; Synonyms; Thesaurus; Specialized Vocabulary (medical terms, business, accounting, insurance, economics, law, computer, pharmacy, physics, psychology, engineering, birds and insects, trees & flowers, cars, houses, cars, traffic, schools and universities, art & culture, weather, real estate); Vocabulary Quizzes and tests* such as *SAT, GRE, SAT, TOEIC, IELTS and TOEFL Vocabulary; GRE Vocabulary with WIDGET, High Frequency Words, SAT Word a Day prep & widget; Vocabulary Games; Vocabulary Trainer; Vocabulary Notebook* and others (See examples in the Appendix).

IV. CRITERIA FOR SELECTING APPS

The MVAs selected should be related to the subskill or topic the students are working on in class and in the textbook or they any vocabulary subskill they are interested in. They should focus on one topic or skill at a time. The MVAs chosen should provide definitions, explanations, examples, supplementary exercises for extra practice, instant feedback and should contain enough material, items, and exercises for practice. Take into consideration the MVA's material difficulty level, degree of familiarity of the content, complexity, and content details. Post several MVAs that target a particular skill to accommodate the students' different proficiency levels, learning styles, needs and interests of the students. Look at the MVA star ratings. Read the users' reviews and comments. Try a number of MVAs targeting a particular subskill or topic before deciding which ones are useful and assigning them to the students. Select those that are free and easy to use.

V. CONTEXT

Female students majoring in translation at the College of Languages and Translation, King Saud University, Saudi Arabia, take intensive English language courses in the first four semesters of the translation program, before taking specialized translation, interpreting and linguistics courses in semesters 5-10. In the first semester of college, freshman students take the following English language courses: Listening I (3 hrs a week), Speaking I (3 hrs), Reading I (4 hrs), Writing I (4 hrs), Grammar I (2 hrs), and Vocabulary Building I (3 hrs) courses. All of the students are Saudi, and they are all Arabic native speakers. Their age ranges between 17-19.

VI. CURRICULUM, MATERIALS AND TASKS

The textbook used in the Vocabulary I course is Stuart Redman's (2017) *"Vocabulary in Use: Pre-intermediate and Intermediate.* The textbook consists of 100 lessons but only 50 lessons are usually covered in class over the whole semester (14 weeks or 42 hours). The lessons covered inclass are as follows: *classroom language, prefixes, noun suffixes, adjective suffixes, nouns and verbs with the same form, compound nouns and adjectives, uncountable nouns, plural noun, idioms and fixed expressions, collocations, preposition & noun, verbs and adjectives followed by prepositions, some functions, phrasal verbs (form, meaning, grammar and style), uses and expressions containing have, have got, make, do, take, give, keep, break, leave, see, catch, let, go, get, the senses, partitives, the physical world, animals and insects, countries, nationalities and languages, the place where you live, around the home, the body and what it can do, clothes, food, cooking and restaurants, jobs, in the office, computers and the internet, money, physical injuries, and global problems.*

The Vocabulary I course aims to develop freshman students' ability to do the following: *(i) Connect spoken phonemes with written graphemes; (ii) connect a word with its pronunciation; recognizing silent letter, hidden consonants, double letters, words with the same vowel but different pronunciation and words with different vowels but same pronunciation, syllabication and stress; (iii) spell words correctly: recognizing spelling changes and spelling variants; (iv) distinguishing parts of speech; (v) distinguish count/non-count; (vi) distinguish singular and plural forms; (vii) distinguish American vs. British usage; (viii) give word synonyms and antonyms; (ix) give the English and Arabic meanings; (x) understand and apply word formation in English: prefixes, suffixes, derivatives and compounds; (xi) understand idioms and collocations;* and *(xii) group words into families.*

VII. INSTRUCTIONAL STAGES WITH MOBILE VOCABULARY APPS

Instruction with MVAs goes through 3 phases: *Pre-Task Phase, Task Phase, Post-Task Phase*. In the *Pre-Task Phase*, the instructor tells the students which MVAs they need to locate, download, and use. She demonstrates how to search the Google Play or Apple App Stores for MVAs targeting a specific vocabulary subskill or topic. She gives them an idea about the MVAs to be used. She posts sample MVAs on any Learning Management System (LMS) such as Blackboard, Zoom or Microsoft Teams, a blog, an online discussion forum, Telegram, Twitter, Facebook, WhatsApp, and others. She states the objective of using the MVAs, i.e., tells the students what they are going to do, study or practice. She tells whether they are going to use the MVAs individually, in pairs or in small groups. She gives pre-questions that help the students focus on pronunciation, prefixes and suffixes, singular and plural forms, idioms…etc. She gives clear, specific, and detailed instructions on how to use an MVA and how a particular task should be performed. She tells the students what is expected of them, how many MVAs they need to complete and sets a time limit or deadline for completing the assigned MVAs (See examples in the Appendix).

In the *Task Phase*, the students work with the MVAs on their smart phones, tablet, or laptop at home or in class. They work on MVAs individually, in pairs or small groups. They post queries, comments, and evaluations of the MVAs used on the LMS or a social media network selected by the instructor. The instructor answers students' questions, provides guidance and supervision, and helps with difficulties. She sets a time limit or deadline for completing a task.

In the *Post Task Phase,* the instructor gives feedback and comments on the students' performance. She encourages the students to use the MVAs and gives credit for that. The students can correct their classmates and make comments on each other's responses. They keep a log of the mobile MVAs they have completed with their evaluation of and comments on each.

VIII. THE INSTRUCTOR'S ROLE

The instructor serves as a facilitator. She helps the students in locating and downloading relevant MVAs that meet the students' needs and purposes and match their proficiency level. She encourages the students to fully engage in the MVAs activities. She follows the students up to make sure they are making the best use of the MVAs. She encourages the students to locate and select MVAs of interest to them. She gives extra credit for using MVAs depending on how many each student has completed. The MVAs' material may be included on vocabulary interm tests and final exam to motivate the students to take the MVA activities seriously.

IX. RECOMMENDATIONS

EFL instructors teaching vocabulary to college students in Saudi Arabia should exploit latest advancements in MALL to help EFL/ESL students develop their vocabulary knowledge and vocabulary skills in English. MVAs allow the students to use their visual and auditory senses to learn difficult vocabulary. Instructors should always take into consideration that MVAs do not teach by themselves, and their use does not guarantee vocabulary acquisition and the automatic learning and recall of English vocabulary. EFL students should be required to actively engage in and respond to MVA activities. They should be supervised by the instructor and should receive feedback, guidance, and encouragement. The students may use MVAs of their choice according to their needs. Those who do not own a mobile phone may use vocabulary websites on Google on their laptop or desktop computer. English MVAs selected should inspire the students' learning interest and foster their autonomy.

To make the best use of MVAs, Chien (2013) recommended that different elements of word knowledge be integrated with online word activity designs. The students should receive direct instruction on specific technical terms and should be aware of word selection. The students may create their own vocabulary exercises using websites such as *Quizlet* to make vocabulary and content word learning more effective. Ebadi and Bashiri (2018) added that students' localized needs should be used as guidelines for customizing vocabulary mobile apps created by the instructor or the students themselves. Additionally, Chen, Chen and Yang (2019) advised that the students should be able to engage in self-regulated learning as it significantly affects their performance while autonomously learning English vocabulary using MVAs.

Moreover, the MVAs selected should enable the students to connect the printed form of the word (silent letters, hidden sounds, double letters and homophones) with its pronunciation, with its part of speech, singular or plural form, synonym or antonym, English and Arabic meanings, usage, component parts, and previously encountered words. They should also help the students acquire categorization, association, and visualization skills and use mnemonic devices in vocabulary learning (Al-Jarf, 2006). The students can use MVAs that focus on the following tasks: pre- and post-instruction self-assessment, production tasks, a daily vocabulary lesson, vocabulary remedial tasks, tasks that integrate vocabulary with the listening, reading, writing and grammar) skills, self-improvement tasks, and vocabulary study skills. MVAs that focus on those tasks can be posted on an Online Management Systems or social media network page for further discussions and feedback (Al-Jarf, 2007).

Finally, students' satisfaction, perceived difficulty, and level of control over MVAs affect their vocabulary acquisition. Students may be inclined to use different MVAs (digital, ready-made, self-created, tablet or m-learning) based on their perceptions of their difficulty level, ease of use, content coverage and so on. MVAs should be available in a variety of formats (Sage, Krebs & Grove, 2019). The utilization of different MVA formats, designs, content, and instructional strategies by Saudi college students majoring in English, translation, linguistics, or literature together with their preferences and views on their usefulness are still open for further investigation by Saudi researchers in the future.

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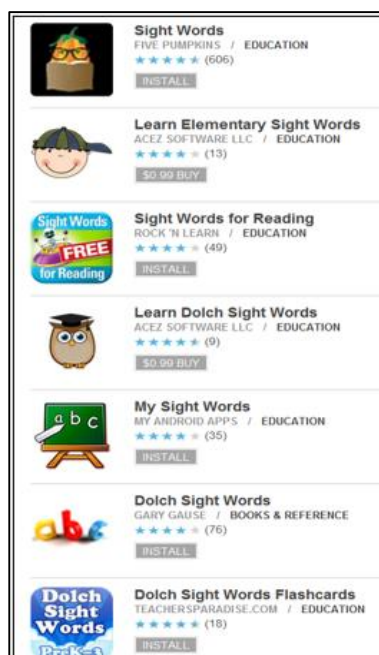**Learning Vocabulary in the App Store by EFL College Students**

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APPENDIX

Sample Images of Mobile Vocabulary Apps focusing on Different Vocabulary Subskills
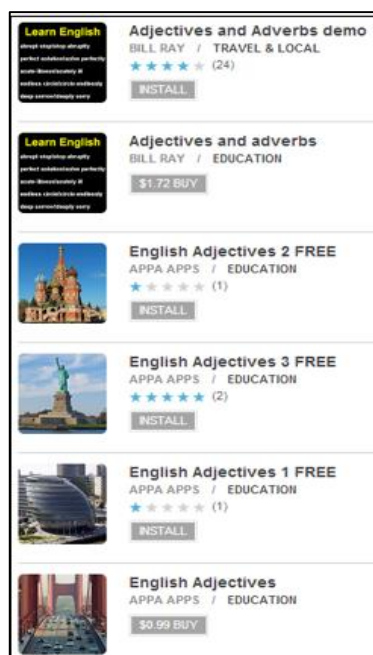
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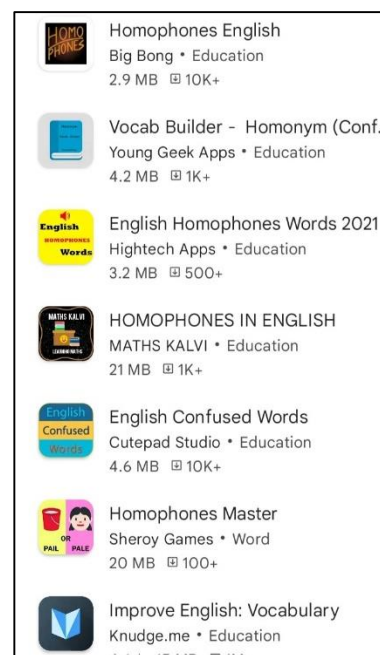
Learning Vocabulary in the App Store by EFL College Students
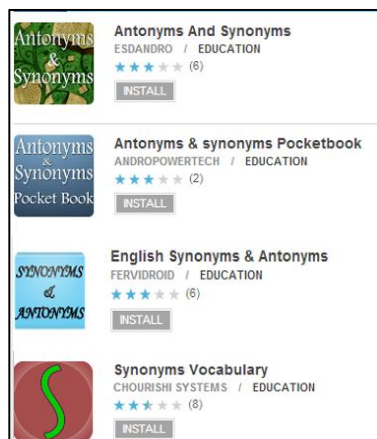
Synonyms & Antonyms

Synonyms
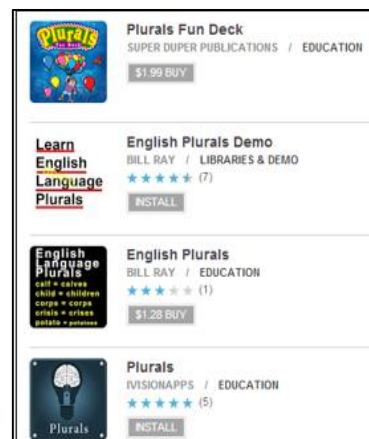
English Plurals
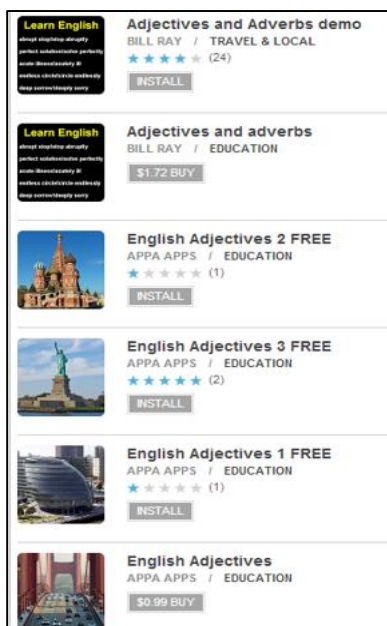
English Adjectives
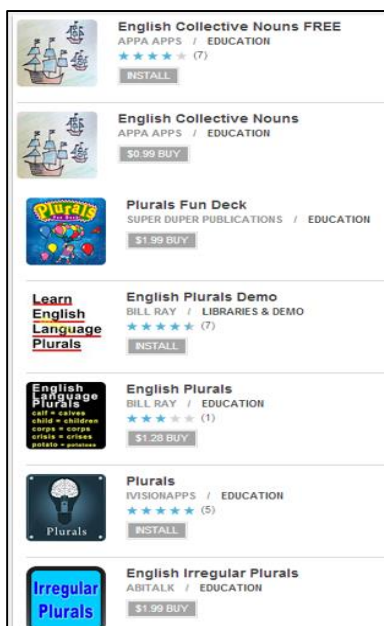
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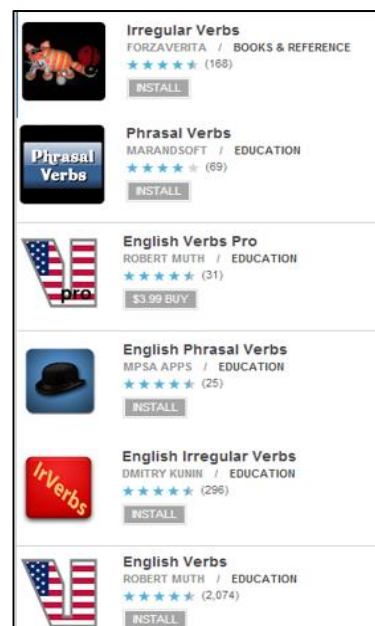
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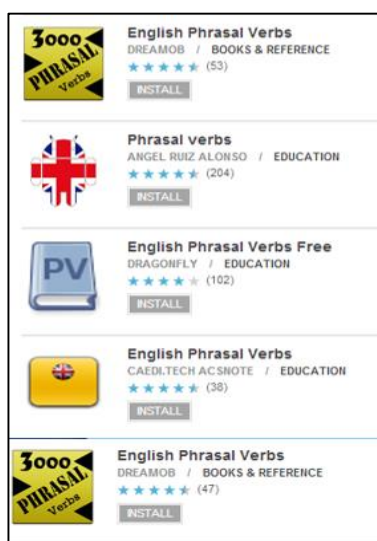
Phrasal Verbs
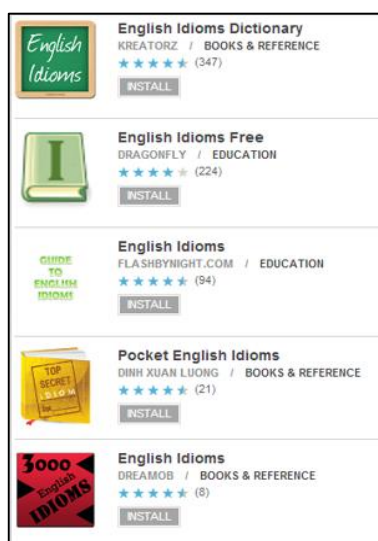
Idioms
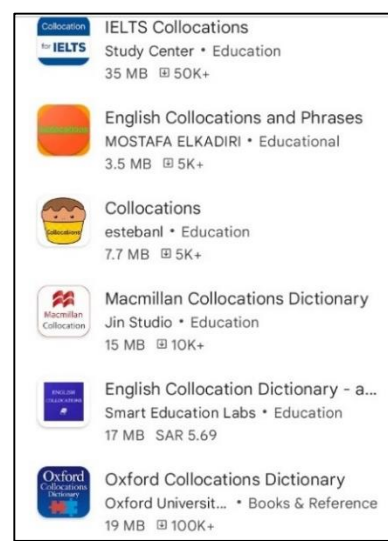
Collocations

Learning Vocabulary in the App Store by EFL College Students

Thesaurus

Prefixes and Suffixes

Verb Tenses

Medical Abbreviations

Medical Terms & Suffixes

Business & Legal terms

Specialized Vocabulary

Learning Vocabulary in the App Store by EFL College Students

Vocabulary Quizzes
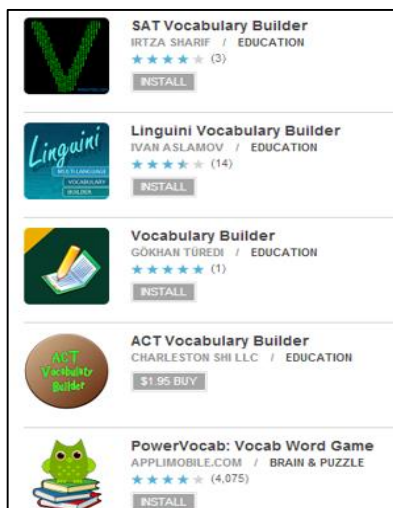
Vocabulary Builder
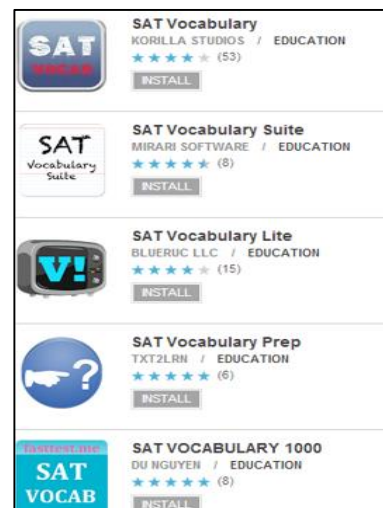
SAT Test Vocabulary
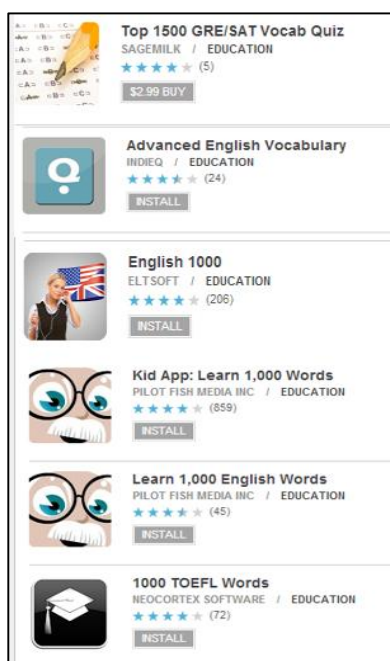
1000-Words Apps
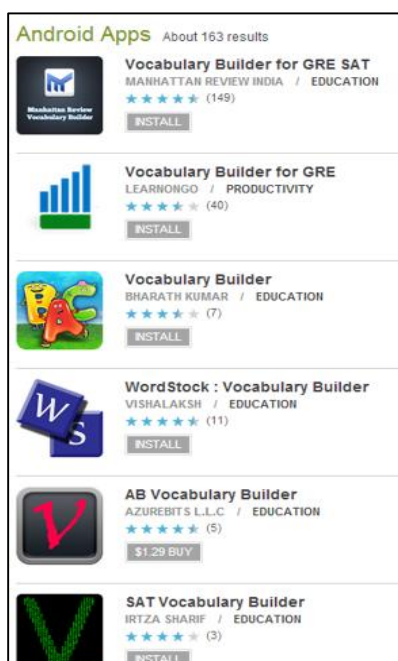
Vocabulary Builder Apps
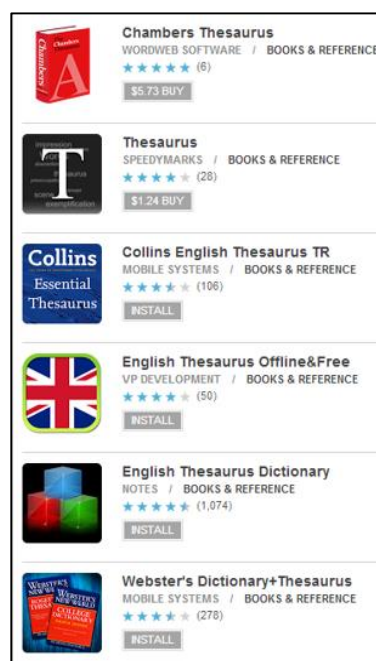
English Thesaurus Apps
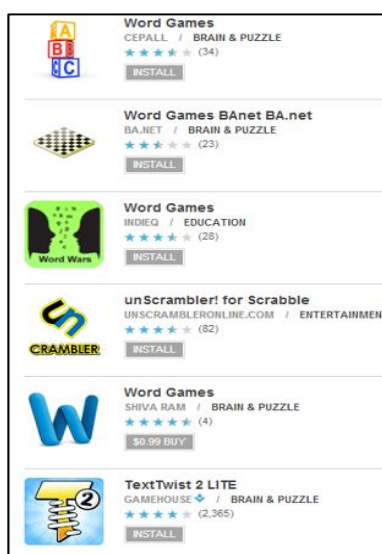
Vocabulary games
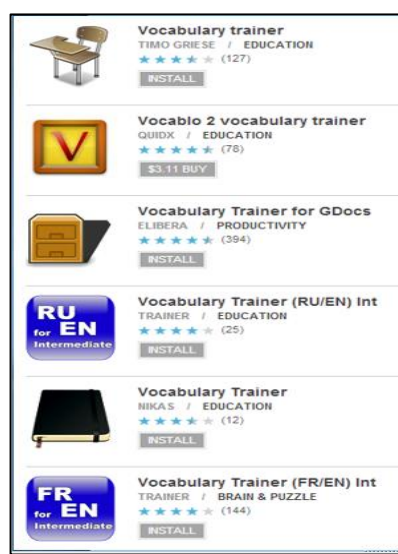
Vocabulary Trainer
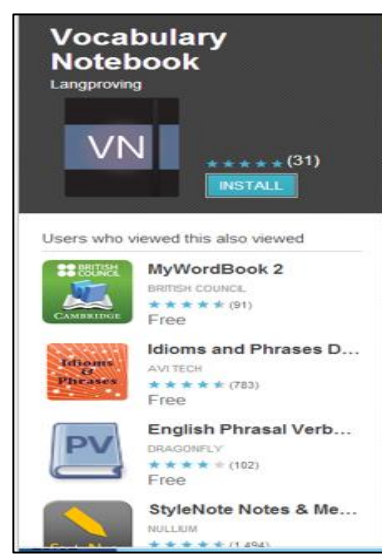
Vocabulary Notebook

The Effectiveness of the Pre-Employment Card Program as Unemployment Benefits due to the Covid-19 Pandemic in Indonesia

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ABSTRACT: This study aims to analyze the effectiveness of the pre-employment card program approved by the government in reducing unemployment due to the COVID-19 pandemic. The COVID-19 pandemic that occurred in Indonesia caused an increase in unemployment. This is due to a decrease in production, which has an impact on the company's operations and finances. The government is the most responsible in the unstable economic conditions of society. One of the programs issued is the pre-employment card program. This study uses a qualitative approach with descriptive analysis methods through collecting data from several books, journals, printed or electronic documents, and other sources of data or information. The research is intended to analyze the data by using data reduction techniques. The results of this study require the government to review the policies of this Pre-Employment Card program. The government must focus on providing assistance to the community in the form of Direct Cash Assistance (BLT), social assistance, to subsidies, and providing stimulus to companies or entrepreneurs to at least reduce the unemployment rate which leads to an increase in the number of unemployed.

KEYWORDS: Pre-Employment Card, Effectiveness, Unemployment, Covid-19 Pandemic.

I. INTRODUCTION

Since Covid-19 has infected almost all countries in the world, this has an impact on fundamental sectors in the country, such as the economic sector. It is not surprising then that the Indonesian economy has become weak. This is because, after the implementation of social distancing and the government issued Government Regulation Number 21 of 2020 concerning Large-Scale Social Restrictions in the Context of Accelerating Handling of Corona Virus Disease 2019 (Covid-19), then followed by the issuance of technical regulations, in the form of Regulation of the Minister of Health Number 9 of 2020 concerning Guidelines for Large-Scale Social Restrictions in the Context of Accelerating the Handling of Corona Virus Disease 2019 (Covid-19). Where several articles in the regulation regulate what jobs are allowed and not allowed to operate in the midst of a pandemic, even if they are allowed, then only a few sectors can Work From Home (WFH).

This certainly has an impact on the formal and informal sectors of employment. Many lower-middle-class companies have started to go bankrupt, not only the lower-middle-class companies that have been affected, but also large companies, such as the Ice Cream Aice company, have laid off hundreds of workers. Even though there are indications of violations there, of course we cannot ignore the impact of COVID-19, which has weakened the Indonesian economy.

In situations and conditions like this, of course, government policies are very important, because the policies issued by the government will determine the fate of the Indonesian people in the future. Therefore, to reduce the economic impact and maintain people's purchasing power, the government in this condition has accelerated the issuance of one of its magic cards, this card is called the Pre-Employment Card. This card is one of the social safety nets created by the government, which aims to develop competencies and opportunities for job seekers. Workers/laborers who are affected by the termination of employment, and/or workers/laborers who are in need of financial support.

II. LITERATURE REVIEW
A. Effectiveness Concept
1. Definition of Effectiveness

Effective is successful or something that is done successfully. Popular scientific dictionaries define effectiveness as the proper use, use or support of goals. Effectiveness is the main element to achieve the goals or targets that have been determined in each organization, activity or program. It is said to be effective if the goals or objectives are achieved as determined.

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Efforts to evaluate the course of an organization, can be done through the concept of effectiveness. This concept is one of the factors to determine whether it is necessary to make significant changes to the form and management of the organization or not. In this case, effectiveness is the achievement of organizational goals through the efficient use of available resources, in terms of inputs, processes, and outputs. In this case, what is meant by resources includes the availability of personnel, facilities and infrastructure as well as the methods and models used. An activity is said to be efficient if it is carried out correctly and in accordance with procedures, while it is said to be effective if the activity is carried out correctly and provides useful results. So an organizational activity is said to be effective if an organizational activity runs according to the rules or runs according to the targets set by the organization.

2. Effectiveness Measure

Measuring the effectiveness of an activity program is not a very simple matter, because effectiveness can be studied from various perspectives and depends on who assesses and interprets it. When viewed from the point of view of productivity, a production manager provides an understanding that effectiveness means the quality and quantity (output) of goods and services. The level of effectiveness can also be measured by comparing the plans that have been determined with the actual results that have been realized. However, if the effort or the results of the work and actions taken are not appropriate, so that the goals are not achieved or the expected goals, then it is said to be ineffective.

The criteria or measures regarding the achievement of objectives are effective or not, namely:

a. Clarity of goals to be achieved, this is intended so that employees in carrying out their duties achieve targeted goals and organizational goals can be achieved.

b. The clarity of the strategy for achieving goals, it is known that the strategy is "on the road" which is followed in making various efforts to achieve the goals specified so that implementers do not get lost in achieving organizational goals.

c. The process of analysis and formulation of a solid policy, related to the objectives to be achieved and the strategy that has been set, means that the policy must be able to bridge the objectives with the efforts to implement operational activities.

d. Careful planning, essentially means deciding now what the organization will do in the future.

e. The preparation of the right program, a good plan, still needs to be spelled out in proper implementation programs because if not, the implementers will lack guidelines for acting and working.

f. Availability of work facilities and infrastructure, one indicator of organizational effectiveness is the ability to work productively. With the facilities and infrastructure available and may be provided by the organization.

g. Effective and efficient implementation, however good a program is if it is not implemented effectively and efficiently, the organization will not achieve its goals, because the implementation of the organization is getting closer to its goals.

h. An educational system of supervision and control considering human nature is not perfect, the effectiveness of the organization requires a system of supervision and control.

The criteria for measuring effectiveness, namely: Productivity, Ability to adapt to work, Job satisfaction, Profitability, Search for resources. Meanwhile, Richard M. Steers said about the effectiveness measure, as follows:

a) Achieving Goals is the overall effort to achieve goals must be viewed as a process. Therefore, so that the achievement of the final goal is more secure, phasing is needed, both in the sense of phasing in the achievement of its parts and phasing in the sense of its periodization. The achievement of goals consists of several actors, namely: Time period and targets which are concrete targets.

b) Integration is a measurement of the level of ability of an organization to conduct socialization, consensus development and communication with various other organizations. Integration concerns the socialization process.

c) Adaptation is the organization's ability to adapt to its environment. For this reason, a benchmark for the procurement and filling process is used.

III. METHODOLOGY

In this study, researchers used a qualitative approach with descriptive analysis methods through data collection which was described in detail and regularly. Data collection techniques through documentation are carried out through reviewing and/or browsing several books, journals, printed or electronic documents, and other sources of data or information deemed relevant to the research or study (Supriyadi, 2017). The research is intended to analyze the data by using data reduction techniques.

IV. RESULT AND DISCUSSION

Pre-employment Card Program by involving multi-company partnerships. The Pre-Employment Card program has become very meaningful to help small communities in meeting their living needs and maintaining food welfare for a certain period of time. The impact of COVID-19 can be said to have been slightly overcome through the Pre-Employment Card program, however, not all people are able to get access to the Pre-Employment Card program due to many prevailing factors such as the tight selection process,

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limited information, willingness, interest, and so on. The Pre-Employment Card emerged as a program that provides open space and the potential to trigger the development of creativity for small communities through an online training system.

In the Pre-Employment Card program, the public is also provided with broad access to improve their competence in certain fields. In addition, various digital platforms also accompany pre-employment processes and services such as Tokopedia, Bukalapak, Skill Academy, Ministry of Manpower, Pintaria, Pijar, Sekolah.mu, and MauBelajarApa (Wijayanti & Humardhiana, 2020).

The Pre-Employment Card Program is very relevant to the theory from Olaniyi (2020) which states that when the economic condition of the community declines drastically, the government is the party who is fully responsible for taking strategic steps to overcome economic difficulties that plague the community. The economic condition of the community is the main reference that is the burden and responsibility of the government as the authority, especially when there is an emergency or obstacles occur at any time (Kurniawansyah, et al 2020).

Due to the widespread increase in the number of victims of COVID-19, the Indonesian government is looking for solutions to deal with the problems that occur. This is the impact of the declining business climate that occurs in Indonesian society, starting from the decline in productivity levels, business closures, and layoffs. In this case, the Indonesian government is the subject who is responsible for threats to the national economy. Through the issuance of Government Regulation in Lieu of Law (Perppu) No. 01 of 2020, one of the programs being promoted is the Pre-Employment Card with a target of 5.6 million people (specifically) affected by the COVID-19 pandemic. In the Pre-Employment Card program, the community has two rights, namely 900 types of online training as access to improve their own capabilities (according to their respective talents and interests), as well as financial assistance for other purposes (Pratiwi, 2020).

In terms of the registration mechanism, the Indonesian government does not discriminate between individuals. All have the same opportunity, as long as they are Indonesian citizens, aged 18 years and not being, are welcome to register online. Furthermore, if the registrants have passed the file selection, then the next step is to take the motivation and basic ability test. For participants who pass, they are allowed to take part in the training and will get an electronic certificate when the training is over. In addition, the nature of the disbursement of the coaching money is with a note that participants must first take part in a form of training which is expected to be used for further development and personal capital after the training (Pratiwi, 2020).

Government action is something that is understood about the steps in setting policy. However, if the policy is related to its relevance to the situation and conditions in a country including Indonesia, then the public or society will be directly affected. So that the manifestation of the quality of policies implemented by the government, of course, is a determining factor for the situation. An example is in the case of Pre-Employment Cards, where the government includes digital touch and intermediaries to empower communities through various strategic trainings. In this case, it can be seen how the government's efforts to equip citizens to become skilled and agile, in order to further support their daily ability to survive.

The presence of the Pre-Employment Card program is a strategic step from the Indonesian government which is certainly motivated by high concern for the community. Especially during the current COVID-19 pandemic, where the majority of people are at a stalemate, especially regarding the fulfillment of (economic) needs. All activities become hampered, or indeed decrease in productivity and income. This is supported by data on tax revenues which are under pressure due to weakening industrial trends as well as international trade and economic activity. At the end of March 2020 both the government and business sectors experienced a business slowdown in line with the regulations related to WFH (Work From Home). In total, Indonesia experienced a decrease in tax revenues in the first quarter of 2020 which was recorded to be minus 2.5%, and automatically affected the 2020 State Budget figures. Some tax instruments that were minus after being used for handling Covid-19 were Corporate Income Tax and Taxes in Import order (PDRI) consists of several types, namely Income Tax (PPh) article 22 imports, PPh article 22 exports, Import Value Added Tax (VAT), and Sales Tax on Luxury Goods (Silalahi & Ginting, 2020).

So that in the end, these various reasons also underlie the government in formulating ideas, and make the Indonesian government to be active in reading the weaknesses that exist in small communities. However, the realization of the Pre-Employment Card program has so far been realized in the field. Then, one of the targets expected by the implementation of the Pre-Employment Card program are such as: people affected by COVID-19, Micro small and Medium Enterprises, and people affected by layoffs.

In general, there are two large groups of participants based on the results of the combined analysis between the concepts of correctness of training targets and accuracy of social assistance targets. The first group is participants who fit the target, both for training and social assistance. The second group is participants who are not in accordance with the training objectives, but are very in line with the social assistance goals. A small proportion are participants who are in accordance with the training objectives, but are not in accordance with the social assistance goals.

Participants in Accordance with the Target of Training and Social Assistance

Participants belonging to this group generally choose training based on their career plans to increase competence and productivity in their current job field. For example, an online motorcycle taxi driver in Bali took English language training so he

could communicate with foreign tourists. In addition, there are some trainees who want to acquire new knowledge so that the opportunity to switch professions can be opened. Work experience also influences some participants in choosing the type of training.

Participants in this group are also highly motivated and willing to exchange the social assistance they receive for training activities. They recognize the need to improve competence and learn new skills/knowledge to get a better job.

Most of the pre-employment card program participants who were in line with the training targets also experienced a decline in economic activity due to the pandemic. For example, one respondent who worked as an extra on a television program experienced a significant decrease in income due to the COVID-19 pandemic after the large-scale social restriction (PSBB) policy was implemented. In general, they consider that the social assistance component of the pre-employment card program lightens their expenses.

Participants who do not Match the Training Objectives, but are very in Line with the Social Assistance Goals

Participants in this group lack the aspirations to pursue a career. One respondent admitted that he did not have any career goals or plans. Some of the other participants admitted that they wanted to have a better job, but did not make serious efforts to make their wish come true. The type of training that is often chosen is the training recommended by a friend or one that is easy to follow and quick to complete.

Participants who are not in accordance with the training objectives, but are very suitable for the objectives of the social assistance program Participants in this group lack the aspirations to pursue a career. One respondent admitted that he did not have any career goals or plans. Some of the other participants admitted that they wanted to have a better job, but did not make serious efforts to make their wish come true. The type of training that is often chosen is the training recommended by a friend or one that is easy to follow and quick to complete.

To overcome these problems, they usually rely on relatives or parents to get loans while looking for other sources of additional income. In fact, there are also respondents who have to sell their assets to meet their daily needs. The low level of economic resilience can be seen from the utilization of all social assistance to meet daily needs and pay debts. Because their financial capacity is very limited, they are generally very careful in using internet quota for things that are not related to work, including training.

According to data from the Ministry of Social Affairs, some of the impacts felt by the community are not small, namely in the economic, social, educational, and health fields. However, the biggest impact can be seen from how limited various community activities outside the home are, due to heeding the government's appeal (PSBB) to refrain from leaving the house as much as possible unless it is really urgent. In the end, this also has an impact on the socio-economic conditions of many small communities with various livelihood backgrounds, because the context is that they must maintain their survival for a while in the midst of impartial conditions (Pratama, 2020).

Some data on social, economic, educational, and health problems have actually appeared in various news. Like the following examples. Namely:

a. Economic Problems, quoted from (Anjaeni, 2020) that the Minister of Finance Sri Mulyani revealed that there were at least 3 economic cases in the country, such as:
   1) In the SMES and informal sectors due to restrictions on interaction and physical contact, economic activity declines.
   2) Weakened investment due to uncertainty, both for those who will invest and those who are currently investing.
   3) The export sector was hit, because the whole world experienced a weakening. This is reflected in the decline in commodity prices from oil, coal, to Crude Palm Oil (CPO).

b. Social Problems, quoted from (Puspensos, 2020) explained that there was social dysfunction at the community level due to COVID-19. An example of a symptom of social dysfunction is the attitude of people who become more susceptible to suspicion, because they think that other people carry COVID-19 in their bodies. Like the people in Sawangan Depok, who refused to bury the bodies who died as a result of COVID-19. They assume that COVID-19 will continue to spread, even after the bodies have been buried. Whereas medically, bodies that have been processed at the hospital will certainly not cause the virus to spread again.

c. Education Problems, quoted from (Sumardiyani, 2020) The Mayor of Bogor (Bima Arya) told the Minister of Education and Culture (Nadiem Makarim) in July 2020 that access to quotas and internet, problems with online learning curriculum, and payment schemes for tuition fees are the main problem.

In addition, the Indonesian government's social awareness can actually be measured from the realization of the Pre-Employment Card program. In fact, you could even say, with the existence of this program, the community has the potential to improve their self-quality and the nature of their excessive dependence on others. Therefore, based on the explanation above, it would be very interesting to examine how the government's concern for the community has been in responding to the COVID-19 pandemic to this day. Because on the other hand, both empowerment and welfare are fundamental agendas that should be the responsibility of the government in Indonesia. However, in this research, the main focus is on how the government comes up with

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ideas and solutions that are also supported by many digital platforms, giving rise to a new breakthrough in the form of the Pre-Employment Card program. The level of effectiveness of the Pre-Employment Card program in the end also has relevance to the discourse on community empowerment, and the rest depends on the way the government manages the program. In addition, related to access that is too free for the community without being accompanied by attention to economic background, it also raises new problems.

Although in principle the government has committed to launching the Pre-Employment Card program for people affected by the COVID-19 pandemic, the government is still unable to fully control the enthusiasm of the people who register. It's very possible if some of the registrants are in fairly good condition, or in another sense are well off. If examined, this is an inequality where groups of people who really need it will be automatically eliminated (due to the selection process). When compared between the government's principles and the practice of absorbing Pre-Employment Card participants in the field, the correlation is very ambiguous, but in the end this possibility can lead to a new hypothesis that needs special attention.

Through Presidential Regulation Number 36 of 2020 concerning the Development of Work Competencies through the Pre-Employment Card Program, then followed by the issuance of technical regulations, namely, Minister of Finance Regulation (PMK) Number 25/PMK.O5/2020 concerning Procedures for Allocation, Budgeting, Disbursement, and Accountability of the Pre-Employment Card Fund, this card was officially launched.

Actually, this Pre-Employment Card is one of the realizations of President Jokowi's campaign promise to create premium human resources capable of competing at home and abroad with a focus on training individual skills and preparing the workforce to be able to compete in the world of work.

You could say that the Pre-Employment Card program did not run smoothly, because before its launch it was also a polemic in the community. Starting from the accelerated release schedule, the initial budget of 10 trillion to 20 trillion, to the alleged conflict of interest that befell several special staff of the President. However, what is the main point of discussion this time is not the various polemics but, is this Pre-Employment Card effective as a social safety net for the people of Indonesia in the midst of the Covid-19 pandemic?

Pre-Employment Card Effectiveness

Pre-Employment, in which there are two words, namely; pra which means before and work which is "an activity to do something." If it is connected with the context of the discussion this time, it can be interpreted as "activities to earn a living." If it is related to the initial purpose of issuing this Pre-Employment Card, it is to prepare workers who do not have a job by providing a treatment, namely, improving soft skills in accordance with what is desired by Pre-Employment members with a forum prepared the government, both direct training to courses and online online training, in this case the government is collaborating with several online platforms such as Ruang Guru, Tokopedia, etc. However, this initial goal changed when Covid-19 hit Indonesia, people who were laid off were also covered by this card.

If viewed from the perspective of the Constitution, the Pre-Employment Card program is a form of implementation of Article 27 Paragraph (2) of the 1945 Constitution of the Republic of Indonesia which reads: "Every citizen has the right to work and a decent living for humanity." If you look closely, there are two core phrases in the article, namely; have the right to work and a decent living. This form of Pre-employment Card itself is only limited to providing a decent living. Then for the job? Here, the government does not guarantee whether after participating in the series of activities contained in the Pre-Employment Card program, you will get a job or not. This includes guarantees given to workers/labourers who have been laid off by company owners, whether they will get their jobs back after the Covid-19 storm ends. Even though this program must be accompanied by the availability of jobs that are comparable to the workforce so that this workforce can be absorbed.

According to data from the Central Statistics Agency (BPS), the total open unemployment rate as of February 2018 was 5.13%, a number that is still fairly large for one of the indexes that is the benchmark for a country that is still mired in welfare or even poverty. Unemployment itself almost always intersects with poverty. BPS as an institution that is trusted to issue data related to poverty indicators states that a person is said to be poor if he is unable to meet his basic needs (basic needs approach).

Interestingly, poverty in Indonesia is included in the type of structural poverty. Structural poverty itself is more towards people or groups of people who remain poor or become poor because of the unequal structure of society, which is not beneficial for the weak (Dewanta, 1999). This can be caused by several factors, including the inability of the government to provide equal opportunities for the community in terms of preparing jobs, and because of the government's inaccuracy in deciding a policy.

Why is Indonesia not leaning towards cultural poverty? Because Indonesian people have started to open up to the outside world. Their thinking now is no longer limited to just eating today, but has started thinking about the future. This is evidenced by the existence of people who are urbanizing (Khairuddin, 2000). For example, Jakarta has always been a favorite destination for immigrants from villages who want to try their luck in the capital. Based on data from the DKI Population and Civil Registration Office (Dukcapil), as of 2017, there were 71,415 new arrivals to Jakarta.

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If you look at current conditions, it is not appropriate to issue a Pre-Employment Card as one of the social safety nets provided by the government in the midst of the Covid-19 outbreak, because what the community needs now is quick and concrete assistance. Quick here is meant with assistance received directly without having to deal with procedurals or selection processes that can hinder the time for the aid to be dropped. The concrete here is that the benefits can be felt directly. This Pre-Employment Card itself can be said to be a form of the government's inability to provide employment, so the government only provides a hook and bait (Pre-Employment Card) to look for fish (jobs) in lakes where there are few fish (jobs) and compete with others anglers (labor force).

A lot of the workforce is dominated by fresh graduates who still haven't got a job. Based on BPS data, as of August 2019, the number of unemployed university graduates reached 5.67 percent and the TPT for Vocational High Schools (SMK) was the highest among other education levels at 8.92 percent of the total workforce of around 13 million people. Not to mention the addition of all workers or laborers who have been laid off due to the impact of Covid-19.

Then what became more of a bomb was when the unemployed did not get a Pre-Employment Card. This of course will create social jealousy and cause waves of protests and even actions in various places. Not to mention that currently almost all work is done at home, even registration for Pre-Employment Cards must be online so that training for Pre-Employment Card participants is available online. Of course this is an obstacle because not all the quality of the Internet network in every area is the same.

V. CONCLUSIONS

Based on the exposition text above, it is necessary for the government to review the policies of this Pre-Employment Card program. It is important to improve soft skills, but if there are not enough job opportunities, the job opportunities will be smaller. More precisely, if the government now focuses on providing assistance to the community in the form of Direct Cash Assistance (BLT), social assistance, to subsidies, even if needed the government can provide a stimulus to companies or entrepreneurs to at least reduce the number of layoffs that lead to an increase in the number of unemployed. It should be remembered that the assistance must be in its entirety, not only partially in accordance with the mandate of the 5th Precept of Pancasila, that social justice is for all Indonesian people. The government and society must unite and collaborate in dealing with Covid-19, in accordance with the mandate of the 3rd Precept of Pancasila, namely Indonesian Unity.

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The Mediation Role of Attitude toward Purchase in the Relationship between Country of Origin Image, Religiosity, Ethnocentrism, Animosity and Intentions to Purchase in the Egyptian Context

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ABSTRACT: This research investigates the relationship between differences (ethnocentrism, country of origin image, religiosity and animosity) which may affect intentions to purchase. In doing so, it measures the effect of country of origin image, religiosity, animosity and ethnocentrism and their relationships with intentions to purchase Chinese fashion products in Egypt, through attitude toward purchase. Both of positivism and quantitative approach represent an organized method of research that combine the deductive logic and the empirical observations of individual behavior together in order to be able to note a group of causal laws that can be used for general prediction patterns of human activity. This study collects the data of the required variable by making a questionnaire. This questionnaire targeted a population that is represented in customers who purchase Chinese fashion products in Egypt. The analysis conducted is applied using SPSS 22.0 (Statistical Package for Social Sciences) and AMOS 24. Due to the infinite number of the targeted population, the sample of the study consisted of 384questionnaires gathered from Egyptian customers. The results of the analysis indicate that ethnocentrism and country of origin image have a positive impact on intentions to purchase and attitude toward purchase. While, religiosity and animosity have a negative impact on intentions to purchase and attitude toward purchase. Moreover, the results partially support the Mediation role of Attitude toward purchase in the relationship between (Ethnocentrism, Country of origin image, religiosity and Animosity) and Intentions to Purchase Chinese Fashion Products.

KEYWORDS: Attitude, Purchase, Origin, Image, Religiosity, Ethnocentrism, Animosity and Intentions, Egypt.

INTRODUCTION

During the past few years, the tendency towards the consumption of fashion products has increased tremendously worldwide as a globalization reason. Developed countries such as China, and United Kingdom have been increased there textile exports by increase personal protective equipment production (PPE) by 16.1% in 2020 reaching $353bn.While developing countries such as Egypt have a significant remarkable increase in the imports of different types of products and raw materials from developed countries like China, and Vietnam (World Trade Statistical Review 2021). Crouch et al. (2020) described China as the second largest economy worldwide with 7.65% fastest growing GDP. China exports a great number of products and raw materials all over the world. Textiles and clothing are one of the sectors which China has a huge share of all over the world as (International Monetary Fund, 2020).

In 2020 the Egyptian ministry of commerce and industry reports through the general organization for import and export control, the statistics of imports in year as the following:

- Egyptian imports from China ranked first, with a value of $11.570 billion.
- The United States of America ranked second, with a value of 4.577 billion dollars.
- As for the Federal Republic of Germany, it recorded third place, with a value of 3.959 billion dollars.
- Italy came in fourth place, with a value of 3.148 billion dollars.
- Then Turkey came to occupy the fifth place, with a value of 3.061 billion dollar.

From the previous research, the research finds that focusing in depth on the reasons which may affect the intention to purchase imported Chinese fashion products will be important to clarify part of the truth which may help the government in their economic policies. The main focus of the research is the intention to purchase which was indicated by (Peña-García et al., 2020) as a method of analyzing and forecasting customer behavior in terms of their interest in a certain brand and their desire to purchase it. Several factors were mentioned by (Fishbein and Ajzen, 1977) and scholars were examining these factors in different contexts and applications through the years. For example, Fakharmanesh and Miyandehi (2013) applied their study in Iran. The study was

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examining the effect of intentions to purchase foreign products, and they choose brand image ethnocentrism and animosity to apply their study.

This research investigates the relationship between differences (ethnocentrism, country of origin image, religiosity and animosity) which may affect intentions to purchase. In doing so, it measures the effect of country of origin image, religiosity, animosity and ethnocentrism and their relationships with intentions to purchase Chinese fashion products in Egypt, through attitude toward purchase. Through identifying these different factors and focusing on the parameters of measuring the relationships. This thesis provides some guidelines for Egyptian government marketing policies for the national fashion products. Traditionally, few researches focus on the effect of the intentions to purchase foreign fashion products and its sequences on the national fashion products. In addition, these intentions may affect in the long term the balance of payment of the country with a deficit due to the large number of imports versus exports and consumption versus production as reported in (Environmental Audit committee report, 2019).

PROBLEM STATEMENT

Egypt being the heart of the Middle East with a huge potential growing economy. Consequently, it was a motive to develop a deeper understanding in an attempt to make a contribution in filling the gap in the literature of consumer perception of the imported Chinese fashion products from the perspective of Egyptian society in a certain critical time (during COVID-19 pandemic). The purpose of the current study is to examine some main effective variables in the influence of country of origin, religiosity, ethnocentrism, on consumer intentions to purchase imported Chinese fashion products, in Egypt. The study used structural equation modeling to measure latent or unobservable fashion constructs.

This study is going to examine the impact of (ethnocentrism, country of origin image, religiosity and animosity) in effecting the intentions to purchase imported fashion products from China based on two main reasons:

1. China came first in the list of Egypt's imports from the five largest countries in the world, and the volume of its exports to the local market recorded about 2.116 billion dollars, compared to 2.075 billion dollars in 2019/2020 (according to the central bank of Egypt).

2. Also, China, Hubei Province in Wuhan was the first human infection in the world with the Coronavirus (Covid-19), which is a 55-year-old man, which was discovered and reported on November 17, 2019 (according to the Chinese government announced in December 2019).

THEORETICAL BACKGROUND

In this section, the paper reviewed the theoretical background related to ethnocentrism, country of origin image, religiosity, animosity, intentions to purchase and attitude toward purchase.

Ethnocentrism Concept

The term consumer ethnocentrism was initiated in 1987 by Shimp and Sharma during a project aimed at empirical and conceptual analysis of consumer ethnocentrism. This term is considered as a socio-psychological phenomenon of ethnocentrism, and this term represents the agreement of members of society that their peers are always better and more noble than non-members. Consumer ethnocentrism measures consumers' personal attitude in identical ways across different domestic and foreign products (Renko, et al., 2012). Taking into consideration both the consumers' affiliation as well as their identity (Makanyeza and Toit, 2017). Highly ethnocentric consumers tend to buy local products more than foreign ones, according to the CETSCALE measure (Chryssochoidis et al., 2007; Netemeyer et al., 1991; Fernández-Ferrín et al., 2015).

Wanninayake and Chovancová (2012) describe ethnocentrism in words as "ethnocentrism" and highlight this phenomenon as the inflexibility of tolerating "both" culturally, while rejecting "the opposite" culturally. In light of this, the study suggests that by those definitions, a strong ethnocentric person can judge other groups in relation to the cultural dimensions of the language, behavior, customs, and religion of his or her group. The term 'ethnocentrism', as noted by Jiménez and San-Martin (2016) has been used primarily to provide appropriate explanations in relation to 'particular group behavior patterns and inter-group relationships', because it is a social event that refers to the propensity of certain distinct people. groups, the ideas perceived by the higher groups, and one's preference for choosing one's own things. In addition, Xin and Seo (2019) reported that consumers with a strong ethnic bias view the purchase of imported products as non-racial behavior that harms their economies and causes job losses, while consumers with a racial weakness view the benefits or value of products without regard to their origins.

Country of Origin Image Concept

In 1965, the term country-of-origin (COO) was discovered by Schooler. Country-of-origin (COO) has been defined as the image, reputation, and stereotypes that business and consumers attach to the products of a particular country (Nagashima, 1970). Schooler's study relied on evaluating consumers' attitudes towards services and foreign goods and proving that the country of origin of goods and products can affect their purchasing intentions of consumers, including the presence of some invisible barriers, and these barriers

were represented in attitudes towards the people of any country. Martin and Eroglu (1993) further define the image of a country as the combination of all the descriptive, deductive, and informational beliefs one has about a particular country. Status image is defined by Kotler et al. (1994) as the sum of all those emotional and temporal characteristics that an individual possesses, such as engagement, convictions, ideas, memories, and impressions. Furthermore, COO is generally described by Usunier (2011); Vianelli and Marzano (2012); Kim et al. (2017); Xin and Seo, (2019) "Where are goods manufactured?". Not only that, but also, the product's COO has been described as the "country of production or assembly" by the manufacturer (Bilkey and Nes, 1982).

In addition, the labels "Made in" or "Manufactured in" indicate the country of origin (Nagashima, 1977). Many consumers, according to Degoma and Shetemam (2014), use country-of-origin words to rate items, whether a product is "better" or "worse", based on how they see the country, such as "Japanese electronics are trustworthy, German cars are great", and "Great Italian Food". A country of origin image, according to Jenes (2005), is "a unique form of image that includes a country's products, brands, companies, and more." The image of the country is created based on personal experiences and ideas about the country, as well as information obtained through many channels such as politics (domestic issues, international politics), telecommunications, entertainment (movies) and gossip. Guinness also states that the country's image consists of a variety of aspects, including national symbols, colors, clothing, traditional structures, artefacts, songs, literary works, characteristics of the political system, customs, and historical heritage, among others.

Religiosity Concept

Recently, terms such as religion and religiosity have appeared in contemporary literature frequently. Johnson et al. (2001) defined religiosity as the level of individuals' commitment to the religion they embrace and its teachings, such as the individual's attitudes and behaviors that reflect this commitment. Religiosity is described as a person's belief in God combined with a commitment to follow certain God-given ideals (Mortimer et.al 2020). In terms of religion, (Stark and Glock, 1968) defined religiosity as "a measure of the level of religious commitment that includes the rules and norms that adherents must adhere to." Religious commitment was also emphasized by (Worthington et al., 1988), who argued that religiosity includes the religious views and values of an individual. Previous literature has not been able to complete determinations about the strength of religiosity and how the effect of religiosity might influence the purpose of purchasing behavior or purchasing intent through exploratory the interceding part of attitudes towards Islamic, conservative ads and the subsequent attitude towards brands.

Nurhayati and Hendar (2019) make a proposal to measure the effect of religiosity on consumers' purchasing intentions. So did Mortimer et al. (2020) emphasizing the necessity of investigation in this field in order to generate and promote academic debate in this field. Based on the results, it was confirmed that consumers' religious beliefs have a significant impact on their purchasing intentions. The current literature strongly supports the attitude towards the purchase of imported fashion products and the purchase intent of the religious/non-religious person. Religiosity is characterized as the aspirational inner drive and love of religion which becomes the main drive of one's life (Allport, 1960). Not only that, but it is also an integral part of a religion that is manifested through positive associations with others and the fulfillment of various practical obligations/actions. Religiosity can be defined as a person's knowledge and beliefs about religious norms, sources of well-being, life gratification, struggles, and all other symbols of life. According to Damayanti (2018), religiosity is highly correlated with the benefits that are intended to be obtained for the specific benefits. According to research, there is a strong relationship between religiosity and life satisfaction.

Animosity Concept

Animosity is considered to be the remnants of hatred related to past or ongoing military, political, or economic events (Klein et al., 1998). So, for the first-time consumer animosity was introduced to highlight how negative consumer feelings and emotions towards another country can have a significant impact on product purchase intentions when dealing with merchandise from that country. The concept of animosity was first addressed by introducing the well-known animosity model of purchasing foreign products. The word "animosity" can be described as a relic of hostility associated with past or current military, political, or economic events. Consumer animosity has a negative impact on customers' thoughts and intentions because it reduces their desire to buy and consume foreign items as mentioned before (Antonetti et al., 2019). "Animosity is a hostile attitude that targets external national groups," states a study (Abraham and Reitman, 2018). As a result, consumers from emerging cultures may acquire a more antagonistic attitude toward national exogenous groups. Moreover, collective customers may perceive their identity to be intertwined with their national identity (Latif et al., 2019), and consumer animosity toward a country as a response to damage to national image (Huang et al., 2020).

In other words, Shoham et al. (2006) describes angry customers who do not alter or detract from the representation of target country products; Instead, they simply refuse to buy it. Another argument by scholars describing consumer sentiment is animosity of a particular country for historical or other reasons. The construction of animosity in four can be referred to as war, economic, political, social. Animosity differs from consumer ethnocentrism in that CETSCALE assesses public opinions about the purchase of foreign goods, while hostility is a country-specific concept. However, both concepts will have an impact on consumer purchasing behavior in the global economy (Li et al., 2012). Significance in terms of factors affecting consumer behavior in different countries Scholars

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have discovered that in order to compete successfully in international markets, firms must have a thorough understanding of the preferences and desires of different international consumers (Ettenson & Gaeth, 1991). However, with the entry of multinationals and the creation of new markets, different consumer behavior becomes a challenge, as multinationals will face cultures and nations that cannot be compared to the cultures in their home countries (Dwyer et al., 2005). Research on animosity has also contributed significantly to the international business literature that highlights the impact of negative influences of country of origin directly on purchase intentions (Hinck et al., 2004; Nijssen & Douglas, 2004; Klein & Ettensoe, 1999; Klein et al., 1998).

Attitude Toward Purchase Concept
Marketing research has always relied on the study of consumer attitudes, as attitudes are considered to be one of the most important determinants of consumers' behavioral intention in logical action theories. This is due to the logic that individuals' attitudes towards things represent their general assessments of their behavior (Sallam and Algammash, 2016). Situation was defined as the acquired tendency of individuals to respond either in a positive or negative manner on a continuous basis towards a specific object (Fishbein and Ajzen, 1975). Using the congruence principle, the relevant attitudes are those toward the performance of the behavior, and are measured with a similar degree of detail to that used in the evaluation of the behavior. It is an individual's internal evaluation of something, such as a branded product. Situation is defined as "a global and relatively continuous evaluation of an item, subject, person, or procedure (Hoyer and MacInnis, 1997)." This long-term interest stems from two primary factors. Additionally, Garg and Joshi (2018) describe the situation as the degree to which a person has a positive or unfavorable opinion of a particular behavior.
It expresses a person's intentions for a particular product. The more positive the situation, the more likely the individual will engage in a particular behavior (Ajzen, 1991). According to the expected value model, the attitude to a particular activity is determined by the full set of available behavioral beliefs. As a result, attitude is a key element in describing human behavior (Ajzen, 1988). Several researches have confirmed that purchasing intent is positively and strongly correlated with the situation (Suki and Salleh, 2016). Attitude is a good predictor of a customer's behavior toward a product or service (Muposhi et al., 2018). Second, many theoretical models about attitude construction can be found in the social psychology literature, most notably in studies (Fishbein and Ajzen, 1975), which have sparked interest in attitude research in marketing. In this crowded economy, nationalist sentiments increasingly influence consumer buying decisions (Cleveland et al., 2009). Marketers must first understand consumers' feelings regarding imported goods in order to resist the intense competition that characterizes today's markets (Dimofte et al., 2010; Riefler, 2012). Attitudes are described as "a brief assessment of a psychological component recorded in trait categories such as good – bad, harmful – useful, pleasant – unpleasant, and likable – unloved" in consumer behavior (Ajzen, 2001).

Intentions to Purchase Concept
Purchase intent is a method of analyzing and predicting customer behavior in terms of their interest in and desire to purchase a particular brand (Changa and Liub, 2009; Shah et al., 2012). Consumers with higher purchase intent are more likely to buy a product or service. In addition, the mental stage in the decision-making process at which a customer has actually acquired a willingness to act toward a product or brand is referred to as purchase intent (Wells et al., 2011; Dodds et al., 1991). An essential element of consumer behavior is his intent to buy, which is defined as the customer's desire to conduct a transaction with the seller in the literature. Buying intent of customers is very important to marketers because expected consumer behavior depends on it highly. Predicting consumer behavior is one of the most difficult challenges for any organization since it is always changing due to unknown and uncertain conditions, resulting in purchase intent that is difficult to assess under diverse circumstances (Yaakop et al., 2021). According to Kim et al. (2017), "purchasing intent" was a reflection of "the expected or planned future behaviors of consumers, or the likelihood that a belief and behavior will pass to purchasing behavior" (Kim et al, 2017). While, Rahman et al. (2017) mentioned that the intent to buy is a good indicator of the behavior while Ajzen and Madden (1986) mentioned that the intention variable plays an important role towards the behavior because the intention is considered as a mediator of the motivational factors that have an effect on the behavior. In the current literature, intent to buy in the context of imported goods, online shopping, and halal food has been described as (Khan and Azam, 2016). Social pressures from friends, family, and peer groups can sometimes reinforce an individual's purchase intent (Mukhtar and Butt, 2012). Furthermore, it was emphasized (Garg and Joshi, 2018, Mortimer et al., 2020, Yaakop et al., 2021) that purchasing intent is closely related to ethnocentrism, religiosity, attitude, animosity, and image of the country of origin.

EMPIRICAL STUDIES
In this section, literature is reviewed to develop hypotheses of the research for the effect of country of origin image, religiosity, animosity and ethnocentrism on intentions to purchase through attitude toward purchase.

The Relationship Between Ethnocentrism, Country of Origin Image, Religiosity, Animosity and Attitude Toward Purchase
ARSLANDERE and Yusuf (2020) searched in the effect of ethnocentrism on attitude toward purchase. The study sample group was determined through the appropriate sampling method, and individuals who were selected from Kerman province are preferred on a

voluntary basis. The study included 335 participants (195 women (58%) and 140 men (42%)). The collected data were analyzed with the help of a statistically structured questionnaire using SmartPLS 3.0 software. The results found that there is a negative and significant effect of ethnocentrism on attitude toward purchase.

Thomas et al. (2020) made a study in the Indian market aimed to understand the effect of the ethnocentrism and attitude towards foreign brands on consumer purchase of automobiles. To measure the same, a survey consisting of a subjective questionnaire with a sample size of 108 was conducted. For the purpose of data analysis, exploratory factor analysis, CART technique and regression analysis were used in the study. The CART technique was used to develop a model that maintains ethnocentrism and attitude as a basis. This study showed that Ethnocentrism has a significant negative effect on attitude of people who have higher ethnocentrism and they are less favorable attitude towards foreign automobiles brands.

H₁: Ethnocentrism has a positive effect on attitude toward purchase imported Chinese fashion products.

Wang et al. (2012) examined the effect of country of origin image on attitude toward purchase. The data was collected in five major cities from different geographic regions in China, such as Beijing, Shanghai, Qingdao, Shenyang and Wuhan. The research was conducted with consumers using a shopping mall interception technique, where shoppers were randomly contacted and asked to participate in the study. One major shopping center was selected from each of the five cities in China. In total, 1285 questionnaires were completed, however, 28 were excluded from the analysis largely because they were incomplete - leaving 1257 fully completed questionnaires, which were used for the final analysis. Consumers are more likely to make purchases that reflect their self-image and the image of the country. Because country products images are the primary criterion for purchasing and selecting unknown imported products, studies demonstrate that country product images have a highly impact on consumer purchase attitudes.

AYDIN et al. (2021) aimed to investigate individuals' attitudes toward the coronavirus 2019 (COVID-19) vaccine and to explain the intent to vaccinate within the framework of reasonable action theory. The study extended the theory of logical action with the image variable of the country of origin. Study data were collected by survey method. The survey consisted of a total of 48 items, including individual innovation, subjective criteria, attitude toward a COVID-19 vaccine, intent to obtain a COVID-19 vaccine, image of country of origin, demographics, and general opinions about the vaccine and COVID-19. 333 participants answered the surveys. Data were analyzed by structural equation modeling using SPSS v.21 and AMOS v.23 software packages. The image of the country of origin is closely and positively correlated with both attitudes towards the German COVID-19 vaccine and the Chinese COVID-19 vaccine.

H₂: Country of origin image has a positive effect on attitude toward purchase imported Chinese fashion products.

Alden et al. (2015) examined the effect of animosity on global brand attitudes. We collected data using online consumer panels, which resulted in samples with similar distributions of age, gender, and income. Samples consisted of 206 consumers in Brazil. Using non-student consumers, the authors tested the model in three diverse national markets ranging from emerging to developed: Brazil, South Korea, and Germany. The study supported the effect of animosity on global brand attitudes.

Abraham and Reitman (2018) explained the impact of animosity on attitudes toward purchase. This study used the mall intercept method to collect data from a sample of adult consumers in Tel Aviv, Israel. The questionnaire was translated and re-translated in style. Questionnaires were collected upon completion. The large number of passers-by and the mixing of individuals from all walks of life affected the choice of sites. A total of 264 respondents were recruited. 14 of the questionnaires collected were omitted due to incompleteness. Thus, 250 were valid for analysis. To check generalizability, the putative model was tested in two different contexts: Study 1 was conducted in Israel using the context of the Holocaust and Study 2 was conducted in Russia using the context of the recent political dispute with the USA. A convenient sample of Israeli Jewish consumers (n = 264) and Russians (n = 259) yielded a total of 523 questionnaires. In both contexts, the results of the SPSS and AMOS analyzes indicated a negative and significant relationship between consumer animosity and attitudes toward purchase.

H₃: Animosity image has a positive effect on attitude toward purchase imported Chinese fashion products.

Mukhtar and Butt (2012) mainly focused on searching in the effect of religiosity on attitude toward purchase. A structured question is designed to elicit consumer attitude and the degree of religiosity between and within individuals. Data were collected from 180 adult respondents using the appropriate sampling method. Only 150 answers were considered appropriate for further analysis, yielding a response rate of 83 percent. Stepwise regression analysis was used to test the proposed model. After studied Muslims living in multi-religious societies who are considered more conscious about the permissibility (Halal) of products and it found that religiosity was positively related to attitude to purchase halal products.

Budiman (2012) clarified the relationship between religiosity and attitude toward purchase. The data collection technique used in this research was the sample survey technique using the questionnaire and the closed statement that uses the likeness scale and is given to the respondents. This research used the quantitative method and the respondents were identified using one of the non-probability sampling techniques, namely the purposive sampling. The criteria of the participants in this research were females who worked assuming that they had an income that supports their purchasing power and included decision makers towards bag products. Furthermore, of this population, the measurement of the research sample was 200 respondents. Results proved that religiosity had positive and significant effect on attitude.

H₄: Religiosity has a positive effect on attitude toward purchase imported Chinese fashion products.

The Relationship Between Ethnocentrism, Country of Origin Image, Religiosity, Animosity and Intentions to Purchase

Wu et al. (2010) defined ethnocentrism and its impact on intentions to purchase. A questionnaire was designed to collect the data contained in the study, which consisted of five sections. The data for this study were collected in Hefei city located in central China. Since middle school students are the leading consuming force in the future, their consumer propensity is significant in the near future. Two middle schools were selected and 600 questionnaires were submitted. 563 questionnaires were collected immediately and 504 questionnaires were considered valid for this research. The results show that there is a significant relationship between consumers' purchasing intention of domestic goods and ethnocentrism.

Kaur et al. (2019) identified the relationship between ethnocentrism and purchase intention in Malaysia. Related to the previous marketers recognize the importance of understanding consumer ethnocentrism in order to develop successful marketing and promotional strategies both locally `questionnaires were distributed but only 325 were valid for further analysis. The 75 invalid questionnaires were deemed unusable because they were incomplete. The questionnaires were distributed in the five malls around Kuala Lumpur for a period of two months. Data were analyzed using PLS-SEM technology. The results demonstrated a positive and significant relationship between ethnocentrism and purchase intention.

H₅: Ethnocentrism has a positive effect on intentions to purchase Chinese imported fashion.

Adenan et al. (2018) aimed to research the relationship between country-of-origin image and purchase intention. A self-administered questionnaire was distributed, and 225 completed and usable questionnaires were collected among East Malaysian consumers. Descriptive analysis, correlation analysis and regression analysis were used to test the data obtained from the obtained questionnaires. The COO effect is important in creating a positive consumer perception of the company's products, and ultimately influencing purchase intent. The result of this study shows that consumers in East Malaysia attach great importance to brand image and country of origin in highly engaged products because they are more involved in information search and decision making when purchasing these products.

Hien et al. (2020) focused on examining the effect of country-of-origin image on purchase intention. Data were collected through structured questionnaires distributed to clients in Ho Chi Minh City and Da Nang City using appropriate sampling method. Respondents were asked to select their respective electrical household appliances (eg, washing machine, refrigerator, air conditioner, etc.) with one specific brand for the selected product categories. Of the 352 questionnaires collected, 283 could be used for further analysis. The scale and hypotheses of the research model are then tested via SPSS 24.0 and AMOS 23.0. The findings which was applied in the electric household appliances in Vietnam, shows that the customer's intention to purchase is influenced by the COOI, implying that the COO plays a significant role in the process of purchase decision making. Customers' thoughts and perceptions of a brand are also shaped by the COO. The findings indicate consumers' trust in brands that originated in advanced economies (e.g. The United States, Japan, Korea, China). As a result, they are more popular and frequently chosen during the process of purchase decision making.

H₆: Country of origin image has a positive effect on intentions to purchase Chinese imported fashion.

Feng and Yu (2015) investigated the impact of animosity on purchase intention. A twofold experimental design was used in this study. Hypotheses were tested with a specific Japanese car brand among Chinese consumers. A total of 235 Chinese consumers aged 18–60 years participated voluntarily and a total of 199 of these had 235 usable responses. The analysis confirmed a strong interaction effect of consumer hostility on purchase intent.

Gupta and Singh (2019) examined the effect of animosity on purchase intention. To test the proposed hypothesis, the researcher conducted a survey using a structured questionnaire. Consumers of Chinese products are the target population of the study in Varanasi. 450 forms were filled out. After data purification, inconsistent responses were omitted from the study. 316 questionnaires were found suitable for the study and then were considered for the study. The scale was validated using confirmatory factor analysis. Then the proposed hypotheses were tested by structural equation modeling (SEM) using AMOS 20.0. Results illustrated that costumer animosity has a negative and significant impact on Indian consumers' purchasing intentions for Chinese goods.

H₇: Animosity has a positive effect on intentions to purchase Chinese imported fashion.

Quoquab et al. (2016) explained the impact of religiosity on purchase intention. A survey was conducted of 400 respondents in the Malaysian counterfeit market in China Town, Low Yat Plaza, and Pasar Malam as these are the most famous counterfeit shopping centers. The statistical package for the social sciences (SPSS) version 21 was used for data analysis. Pearson correlation and multiple regression were used to test the research hypotheses. It was found that religiosity negatively affects behavioral intent to purchase counterfeit products.

Saputri (2021) investigated the effect of religiosity on purchase intention. The independent variables for the study were consumer ethnic centering, Islamic religiosity and consumer hostility, and the dependent variable was purchase intention. Data collection techniques using a questionnaire using the purposeful sampling method. The sample in this study was 150 respondents. The

hypothesis was tested with the help of SPSS 22.00 for windows. The method used in this research is the quantitative method. The results of this study indicate that there is a positive and moral effect between Islamic religiosity and purchase intention.

H$_8$: Religiosity has a positive effect on intentions to purchase Chinese imported fashion.

The Mediation Role of Attitude Toward Purchase in the Relationship Between Country of Origin Image, Religiosity, Ethnocentrism, Animosity and Intentions to Purchase

Haque et al. (2018) studied which was applied in Bangladeshi consumers purchase intentions toward foreign products by using religiosity, country of origin image, and ethnocentrism as indicators for purchase intention though the mediating role of attitude toward purchase. The survey method was used and primary data was collected from respondents by distributing hard copies of self-administered questionnaires as well as an online survey through Google Form to Muslim consumers in various locations in the cities of Kuala Lumpur, Johor and Penang. The rule for determining the sample size ranges from 30 to 500. Taking into account, 240 respondents were selected for this research and data were collected. Over a period of about 3 weeks. However, from 240 sets of responses, a total of 8 responses had to be discarded since then, either as missing data or not being returned. Therefore, a total of 232 answers were used for the purpose of analysis. The study contribution showed that there is a positive effect of country of origin and purchase intention through the mediating role of attitude. While religiosity and ethnocentrism showed a negative effect on purchase intentions through the mediating role of attitude toward purchase.

Wang et al. (2020) measured the relationship of religiosity and purchase intention toward green hotels in China through the mediator attitude toward purchase. An online Chinese-language online survey has been published online from October 1, 2018 to December 31, 2018 and from November 1, 2019 to December 1, 2019 on the following website. This free online platform is widely known among individuals, companies and organizations in China to collect raw data from online users. In this study, 404 respondents were collected, which exceeds the minimum sample size. A pilot test of 40 respondents was carried out to ensure the usability and validity of the developed tool and to prevent any problems that might affect the quality of the data obtained. The findings of the study indicate a revealed a major positive significant effect on intention for both religiosity and attitude toward purchase.

Furthermore, Aruan and Wirdania (2020), The purpose of the research was to investigate the extent to which religiosity influences consumer purchasing decisions when purchasing Muslim clothing. The research was conducted in Indonesia because it was the most populous Muslim country in the world. The subjects of the research were Muslim women dressed in Islamic clothing, both legal and illegal. 379 Muslim women participated in the survey. using the structural equation model. The research results of this study were differed from previous studies, as it was shown that there is a positive relationship between religiosity and purchase intentions, not only that but also, there is a positive relationship too between attitude toward purchase and purchase intentions.

H$_9$: Attitude toward Purchase has a positive impact on Intentions to Purchase Imported Chinese Fashion Products.

H$_{10}$: Attitude toward Purchase mediates the relationship between (country of origin image, religiosity, ethnocentrism, and animosity) and Intentions to Purchase.

RESEARCH METHODOLOGY

This chapter introduces the methodology of the research, in which the suitable methods are introduced that help in reaching the research aim, which is investigating the effect of (ethnocentrism, country of origin image, religiosity and animosity) on the intention to purchase Chinese fashion products through the mediating role of attitude toward purchase imported Chinese fashion products. It is important to refer that this study is utilizing the positivism philosophy in order to achieve its aim. Positivism philosophy believes that there are two means could be adopted in order to understand the human behavior which are: observation and experiments (Arghode, 2012). This research depends on a deductive approach in order to reach its aim, deduction depends on quantitative data in order to measure the facts, which helps in reaching the results that have the ability to be generalized (Saunders and Lewis, 2012). Both of positivism and quantitative approach represent an organized method of research that combine the deductive logic and the empirical observations of individual behavior together in order to be able to note a group of causal laws that can be used for general prediction patterns of human activity (WYLLIE, 2019). This study collects the data of the required variable by making a questionnaire. This questionnaire targeted a population that is represented in customers who purchase Chinese fashion products in Egypt. Due to the infinite number of the targeted population, the sample of the study consisted of 500 questionnaires gathered from Egyptian customers. Only 420 had returned and after neglecting the questionnaires with invalid answers or missing data, the questionnaires remained to be analyzed was 384 with 100% response rate, where the sample is chosen to match 95% confidence level of (Saunders et al., 2016). Figure 1 represents the research framework.

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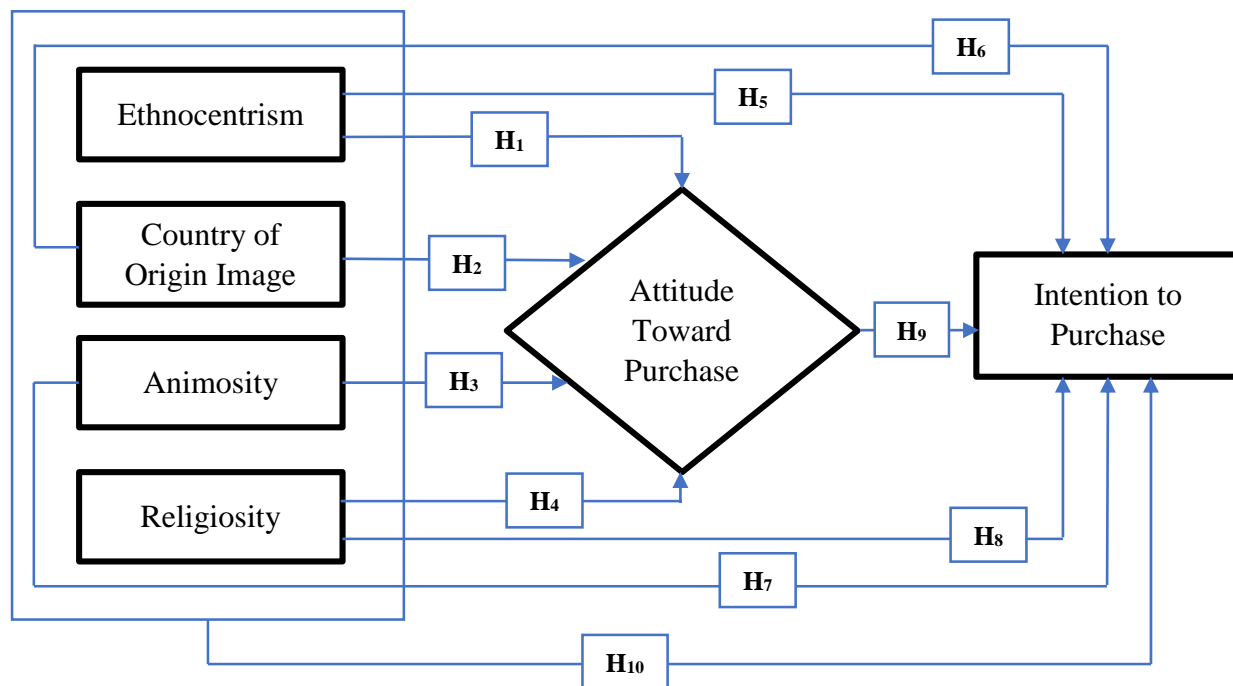
Figure 1: Research Framework

RESULTS AND FINDINGS

This section introduces the empirical study with the main findings and results after running the data analysis.

Descriptive Analysis of Respondents Profile

Table 1 represents the respondents' profile for the whole sample that have participated in this study. In this section, the explanation about gender, income level, education level, and age are introduced with specific statistics obtained from the data collection approaches. In total, it shows that total sample participated in this research is N=384. It is observed that female respondent contributes the highest percentage with 57.7%. Further, the income level for the major of respondents is from 1000-3000 with 35.3%. Moreover, for the education level, the respondents who are participated in this study have Bachelor degree with 74%. On the other part, most of respondents participated in this research are age ranged between 32-40 years old with 39%.

Table 1: Descriptive Statistics for Respondents Profile

Item	Category	Frequency (N=384)	Percent %
Gender	Female	221	57.7
	Male	163	42.3
Income	1000-3000	136	35.3
	3000-6000	128	33.2
	6000-9000	63	16.4
	9000 and above	58	15.1
Education Level	Bachelor degree	285	74.0
	High school	8	2.1
	Middle school	14	3.6
	Postgraduate	78	20.3
Age	20-31	138	35.8
	32-40	150	39.0
	41-50	61	15.8
	51-60	28	7.3
	61 and above	8	2.1

Descriptive Analysis of Research Variables

Table 2 shows the mean and standard deviation for the research variables, as well as the frequencies of the research variables. It could be observed that the mean and the frequencies of most responses are in the agreement zone, as the mean values for the research

variables; Ethnocentrism, Country of origin image, Animosity, Religiosity, Attitude toward purchase, and Purchase intentions are 3.7532, 3.8338, 3.8883, 3.7481, 3.9636, and 3.9974 respectively.

Table 2: Descriptive Analysis for the Research Variables

Research Variable	N	Mean	Std. Deviation	Frequency				
				1	2	3	4	5
Ethnocentrism	384	2.9195	.90212	0	148	142	70	24
Country of origin image	384	3.8338	.68724	0	15	82	238	49
Animosity	384	3.6519	.86205	0	55	67	218	44
Religiosity	384	3.7481	.67808	0	18	94	238	34
Attitude toward purchase	384	3.9636	.66827	0	0	93	212	79
Purchase intentions	384	3.9974	.45927	0	0	41	303	40

Data Testing using Validity and Reliability Analysis

The validity and reliability test of the research variables; Country of origin image, religiosity, ethnocentrism, animosity, attitude and intention to purchase Chinese fashion products. It could be noticed that the data showed Kaiser-Meyer-Olkin measure of sampling adequacy (KMO) greater than 0.5, which was considered to be good. The average variance extracted (AVE) was found to be more than 50%. Also, all Cronbach's alpha values are greater than 0.7. The values obtained implies an adequate convergent validity as well as an adequate reliability.

Normality Testing for the Research Variables

In order to check the normality for the data, Table 3 shows the formal testing of normality assumption using Kolmogorov-Smirnov test of normality for the research variables. It could be observed that the research variables are not normally distributed, as the corresponding P-values are all less than 0.05.

Table 3: Formal Testing of Normality

Research Variables	Kolmogorov-Smirnova		
	Statistic	df	P-value
Ethnocentrism	.233	384	.000
Country of origin image	.341	384	.000
Animosity	.337	384	.000
Religiosity	.351	384	.000
Attitude toward purchase	.280	384	.000
Purchase intentions	.396	384	.000

As the formal test shows that the research variables are not exactly normally distributed, an informal test could be used to detect the approximate normality, which is called Rule of Thumb. It is called the informal test of normality, which claims that a variable is reasonably close to normal if its skewness and kurtosis values are between ±1 (Kleinbaum, 1988). This rule could be applied only if the sample size is greater than 150. Table 4 shows the informal test of normality, where it could be shown that some of the skewness and kurtosis values are above the acceptance level of ±1, which means that the data under study are not normal. Consequently, non-parametric tests are used to describe the relationships between the research variables.

Table 4: Informal Testing of Normality

	Skewness		Kurtosis	
	Statistic	Std. Error	Statistic	Std. Error
Ethnocentrism	.673	.124	-.421	.248
Country of origin image	-.498	.124	.541	.248
Animosity	-.612	.124	-.292	.248
Religiosity	-.549	.124	.509	.248
Attitude toward purchase	.041	.124	-.751	.248
Purchase intentions	-.010	.124	1.792	.248

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Testing Research Hypotheses

In this section, the hypotheses under study are tested using the correlation and the path analysis of the structural equation modeling. The Pearson correlation is used as the data under study are shown to be not normally distributed. The SEM testing is used as it is a neutral test and it does not require the normality distribution of the data under study.

Table 5 shows the SEM analysis for the impact of the (Ethnocentrism, Country of origin image, religiosity and Animosity) and Attitude Toward Purchase. It could be observed that:

- There is a significant impact of Ethnocentrism on Attitude toward purchase, as the corresponding P-value is less than 0.05 (P-value = 0.000). Also, there is a negative impact of Ethnocentrism on Attitude toward purchase, as the corresponding estimate is less than zero (Estimate = -0.138).
- There is a significant impact of Country of origin image on Attitude toward purchase, as the corresponding P-value is less than 0.05 (P-value = 0.000). Also, there is a positive impact of Country of origin image on Attitude toward purchase, as the corresponding estimate is greater than zero (Estimate = 0.250).
- There is a significant impact of Animosity on Attitude toward purchase, as the corresponding P-value is less than 0.05 (P-value = 0.004). Also, there is a negative impact of Animosity on Attitude toward purchase, as the corresponding estimate is less than zero (Estimate = -0.095).
- There is a significant impact of Religiosity on Attitude toward purchase, as the corresponding P-value is less than 0.05 (P-value = 0.000). Also, there is a positive impact of Religiosity on Attitude toward purchase, as the corresponding estimate is greater than zero (Estimate = 0.425).

Furthermore, the R square is 0.435, which means 43.5% of the variation in Attitude toward purchase can be explained by the model.

Table 5: SEM Analysis of (Ethnocentrism, Country of origin image, religiosity and Animosity) and Attitude Toward Purchase

			Estimate	P	R^2
Attitude toward purchase	<---	Ethnocentrism	-.138	***	
Attitude toward purchase	<---	Country of origin image	.250	***	.453
Attitude toward purchase	<---	Animosity	-.095	.004	
Attitude toward purchase	<---	Religiosity	.425	***	

The model fit indices; CMIN/DF = 1.727, GFI = 0.909, CFI = 0.977, AGFI= 0.889, and RMSEA = 0.044 are all within their acceptable levels. The SEM model conducted for the effect of the (ethnocentrism, country of origin image, religiosity and animosity) and Attitude Toward Purchase is illustrated in Figure 2.

Figure 2: SEM for (Ethnocentrism, Country of origin image, Religiosity and Animosity) and Attitude Toward Purchase

Therefore, the first hypothesis "**There is a positive relationship between ethnocentrism and attitude toward purchase imported Chinese fashion products**." is fully supported. Also, the second hypothesis was: "**There is a positive relationship between**

country of origin image and attitude toward purchase imported Chinese fashion products." is fully supported. In addition, hypothesis number third was: "**There is a negative relationship between animosity and attitude toward purchase imported Chinese fashion products**." is fully supported. Moreover, the fourth hypothesis was: "**There is a negative relationship between religiosity and attitude toward purchase imported Chinese fashion products**." is fully supported.

Table 6 shows the SEM analysis for the impact of the (country of origin image ethnocentrism religiosity and animosity) and Intentions to Purchase. It could be observed that:

- There is a significant impact of Ethnocentrism on Intentions to Purchase, as the corresponding P-value is less than 0.05 (P-value = 0.022). Also, there is a negative impact of Ethnocentrism on Intentions to Purchase, as the corresponding estimate is less than zero (Estimate = -0.051).
- There is a significant impact of Country of origin image on Intentions to Purchase, as the corresponding P-value is less than 0.05 (P-value = 0.000). Also, there is a positive impact of Country of origin image on Intentions to Purchase, as the corresponding estimate is greater than zero (Estimate = 0.214).
- There is a significant impact of Animosity on Intentions to Purchase, as the corresponding P-value is less than 0.05 (P-value = 0.000). Also, there is a negative impact of Animosity on Intentions to Purchase, as the corresponding estimate is less than zero (Estimate = -0.093).
- There is a significant impact of Religiosity on Intentions to Purchase, as the corresponding P-value is less than 0.05 (P-value = 0.000). Also, there is a positive impact of Religiosity on Intentions to Purchase, as the corresponding estimate is greater than zero (Estimate = 0.207).

Furthermore, the R square is 0.447, which means 44.7% of the variation in Intentions to Purchase can be explained by the model.

Table 6: SEM Analysis of (Ethnocentrism, Country of origin image, religiosity and Animosity) and Intentions to Purchase

			Estimate	P	R2
Intentions to Purchase	<---	Ethnocentrism	-.051	.022	
Intentions to Purchase	<---	Country of origin image	.214	***	.447
Intentions to Purchase	<---	Animosity	-.093	***	
Intentions to Purchase	<---	Religiosity	.207	***	

The model fit indices; CMIN/DF = 1.677, GFI = 0.919, CFI = 0.979, AGFI= 0.900, and RMSEA = 0.042 are all within their acceptable levels. The SEM model conducted for the effect of the country of origin image, religiosity, ethnocentrism, and religiosity with the Intentions to Purchase Chinese fashion products will be illustrated in Figure 3.
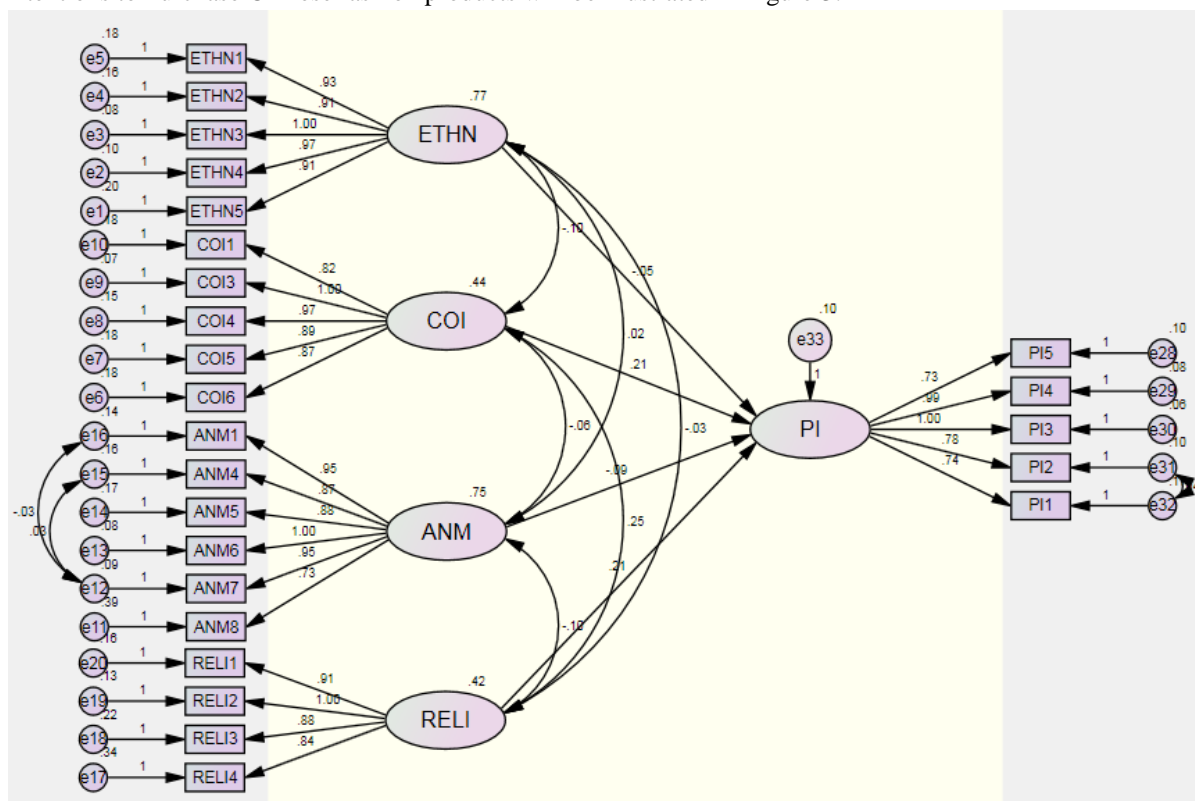
Figure 3: SEM for (Ethnocentrism, Country of origin image, religiosity and Animosity) and intentions to purchase

The Mediation Role of Attitude toward Purchase in the Relationship between Country of Origin Image, Religiosity, Ethnocentrism, Animosity and Intentions to Purchase in the Egyptian Context

Therefore, the fifth hypothesis "**There is a positive relationship between ethnocentrism and intentions to purchase imported Chinese fashion products**." is fully supported. Also, the sixth hypothesis was: "**There is a positive relationship between country of origin image and intentions to purchase imported Chinese fashion products**." is fully supported. In addition, hypothesis number seventh was: "**There is a negative relationship between animosity and intentions to purchase imported Chinese fashion products**." is fully supported. Moreover, the eighth hypothesis was: "**There is a negative relationship between religiosity and intentions to purchase imported Chinese fashion products**." is fully supported.

Table 7 shows the SEM analysis of the mediation role of Attitude toward purchase between (Ethnocentrism, Country of origin image, religiosity and Animosity) and Intentions to Purchase. It could be observed that:

- Table 6 shows that there is a significant impact of Attitude toward purchase on Intentions to Purchase, as the corresponding P-value is less than 0.05 (P-value = 0.004).
- From Table 6, there was a significant impact of Ethnocentrism on Intentions to Purchase, as the corresponding P-value is less than 0.05 (P-value = 0.022). Moreover, Table 7 shows that the impact of Ethnocentrism on Attitude toward turned to be insignificant in the presence of Attitude toward purchase, as the corresponding P-value is more than 0.05 (P-value = 0.123). Therefore, it could be claimed that Attitude toward purchase plays a fully mediation role between Ethnocentrism on Intentions to Purchase. (fully supported)
- From Table 6, there was a significant impact of Country of origin image on Intentions to Purchase, as the corresponding P-value is less than 0.05 (P-value = 0.000). Moreover, Table 7 shows that the impact of Country of origin image on Attitude toward purchase is still significant in the presence of Attitude toward purchase, as the corresponding P-value is less than 0.05 (P-value = 0.000). Therefore, it could be claimed that Attitude toward purchase plays a partial mediation role between Country of origin image on Intentions to Purchase.
- From Table 6, there was a significant impact of Animosity on Intentions to Purchase, as the corresponding P-value is less than 0.05 (P-value = 0.000). Moreover, Table 7 shows that the impact of Animosity on Attitude toward purchase is still significant in the presence of Attitude toward purchase, as the corresponding P-value is less than 0.05 (P-value = 0.000). Therefore, it could be claimed that Attitude toward purchase plays a partial mediation role between Animosity on Intentions to Purchase.
- From Table 6, there was a significant impact of Religiosity on Intentions to Purchase, as the corresponding P-value is less than 0.05 (P-value = 0.000). Moreover, Table 7 shows that the impact of Religiosity on Attitude toward purchase is still significant in the presence of Attitude toward purchase, as the corresponding P-value is less than 0.05 (P-value = 0.000). Therefore, it could be claimed that Attitude toward purchase plays a partial mediation role between Religiosity on Intentions to Purchase.

Table 7: SEM Analysis for the mediation role of Attitude toward purchase between (Ethnocentrism, Country of origin image, religiosity and Animosity) and Intentions to Purchase

Dependent Variable		Independent Variable	Estimate	P
ATP	<---	ETHN	-.127	***
ATP	<---	COI	.272	***
ATP	<---	ANM	-.089	.005
ATP	<---	RELI	.391	***
PI	<---	ETHN	-.034	.123
PI	<---	COI	.182	***
PI	<---	ANM	-.081	***
PI	<---	RELI	.159	***
PI	<---	ATP	.123	.004

The model fit indices; CMIN/DF = 1.475, GFI = 0.917, CFI = 0.982, AGFI= 0.900, and RMSEA = 0.035 are all within their acceptable levels. The SEM model conducted for the mediation role of Attitude toward purchase between (Ethnocentrism, Country of origin image, religiosity and Animosity) and Intentions to Purchase is illustrated in Figure 4.

The Mediation Role of Attitude toward Purchase in the Relationship between Country of Origin Image, Religiosity, Ethnocentrism, Animosity and Intentions to Purchase in the Egyptian Context

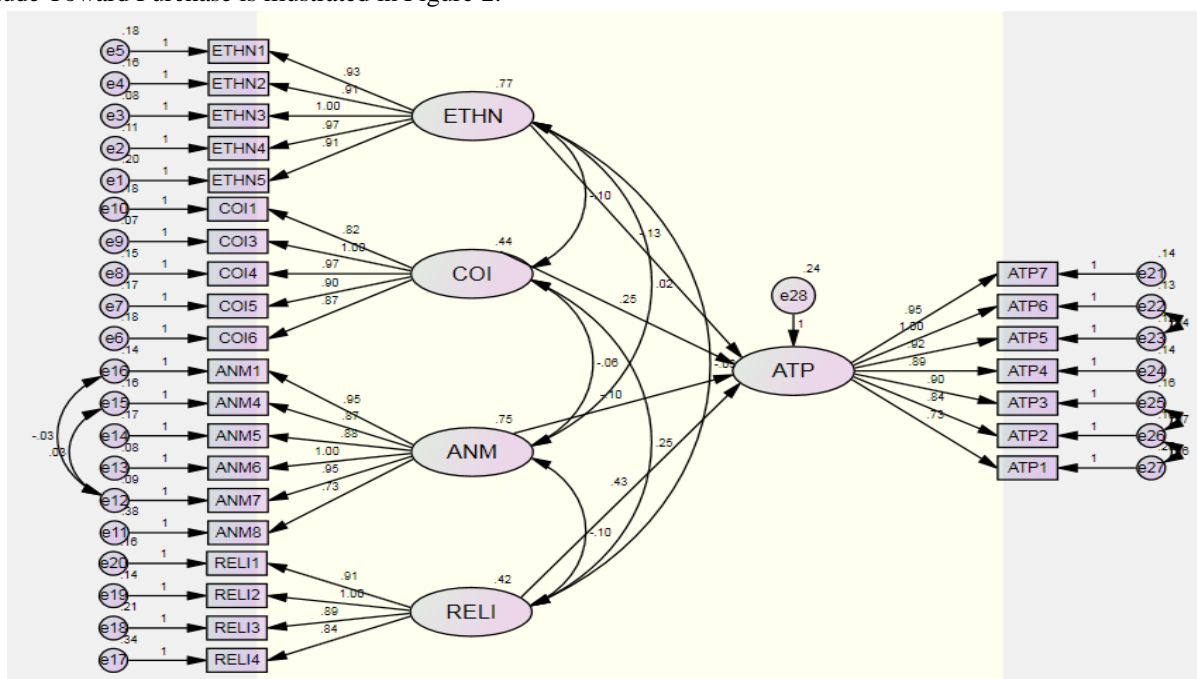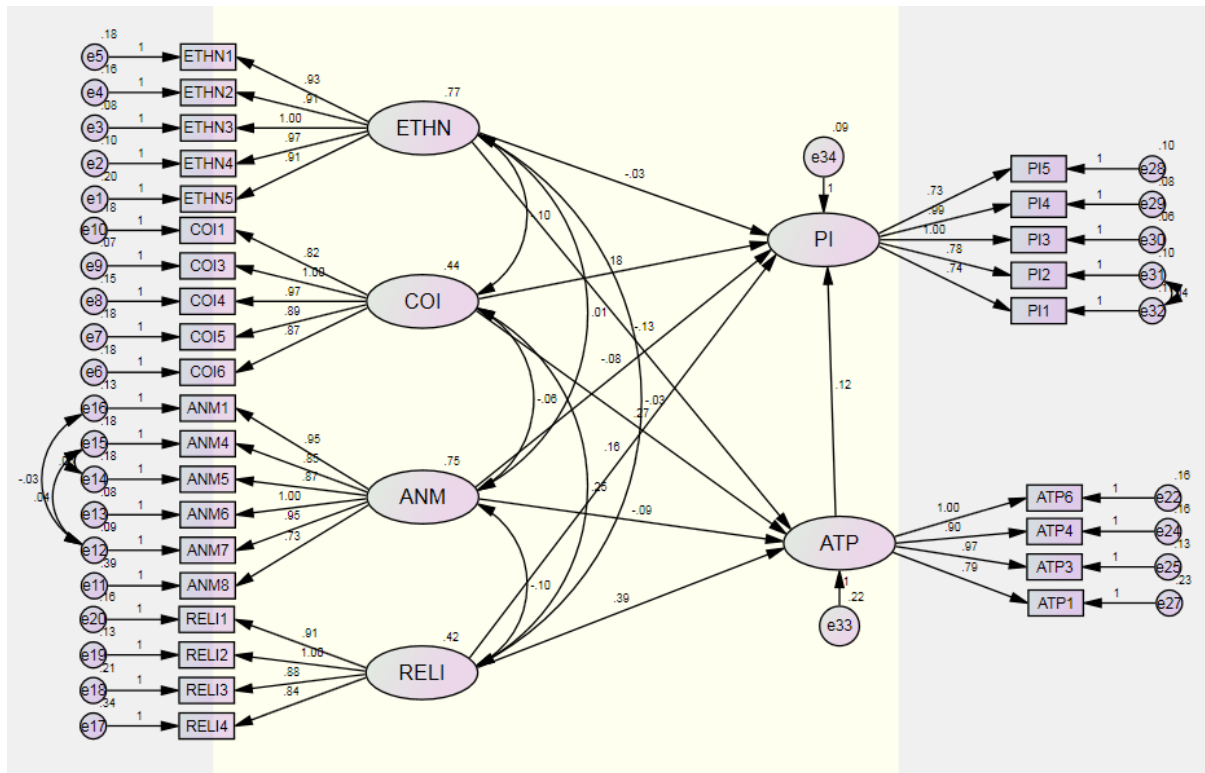**Figure 4: SEM for mediation role of Attitude toward purchase between (Ethnocentrism, Country of origin image, religiosity and Animosity) and Intentions to Purchase**

Therefore, the ninth hypothesis "**There is a positive relationship between Attitude toward purchase imported Chinese fashion products and Intentions to purchase Chinese fashion Products**" is fully supported. Moreover, the tenth hypothesis "**Attitude toward purchase mediates the relationship between (Ethnocentrism, Country of origin image, religiosity and Animosity) and Intentions to Purchase Chinese Fashion Products**" is partially supported.

DISCUSSION

It is challenging to investigate the relationship between religion, culture, ethnocentrism, or even hostility against other countries and the influence on intention to acquire fashion goods from other countries. Fashion may provide a window into the social world, which is governed by an unspoken system of laws, practices, conventions, and rituals that govern face-to-face interaction. However, there is a scarcity of academic researchers studying the impact of religion, country of origin image, ethnocentrism, and enmity on fashion attitudes and perceptions, particularly among Egyptian customers. Given this gap in the research, the major goal of this study is to attempt to analyze the extent to which Egyptian consumers' religious, ethnicity, and what is the image of China as a place of origin for fashion items, and do Egyptian customers have any hatred towards China? That was the primary focus of this study.

The results of the research have demonstrated that country of origin image, and religiosity do carry a significant positive moderate effect on attitude toward purchase imported Chinese fashion products in Egypt. Not only attitude but also, consumers' purchase intentions for imported Chinese fashion products. While ethnocentrism and animosity have indicated a poor negative relationship with attitude and imported Chinese fashion products purchase intentions. In Addition, attitude toward purchase played a role of mediator in the relationship between the independent variables and the dependent variable. Attitude toward purchase plays a fully mediation role between ethnocentrism on Intentions to Purchase. While it was partial mediation in the relationship of country of origin image, religiosity, and animosity and purchase intention.

The results of the research have demonstrated that country of origin image, and religiosity do carry a significant positive moderate effect on attitude toward purchase imported Chinese fashion products in Egypt. Not only attitude but also, consumers' purchase intentions for imported Chinese fashion products. This result satisfies the research goals which were determine the relationship between country of origin image and intentions to purchase Chinese imported fashion through attitude as a mediator for the relationship. In addition, determine the relationship between religiosity and intentions to purchase Chinese imported fashion through attitude as a mediator for the relationship.

According to the results, the Egyptian customer has the financial power intentions and willingness to purchase Chinese fashion items. This trust is very certainly derived from prior years' experience with one or more Chinese fashion goods. Where the Egyptian customer is defined by religion, which promotes beauty, adornment, and perfume via the most exquisite clothing, fragrances, and

fashion, and where the purchase purpose is a consequence of that religiosity. Which validated the veracity of prior research indicating a favorable correlation between nation of origin image and religiosity and purchase intention.

This research must have the impact and the value affecting the local producers in the manufacturing process, as they must search for the desires and needs of consumers and identify the most important motives associated with purchasing the foreign alternative. Is price competition, quality or modernity in designs the influencing factor in favoring the Egyptian consumer for Chinese fashion products? In addition, producers must try to adapt Chinese fashion products, which attract the admiration of the Egyptian consumer on the other hand, the government must try to return to using government mechanisms that urge support for national products in an attempt to advance the national product and increase local production.

CONCLUSION

This research had two major objectives. The first objective was to determine the relationship between (Country of origin image, Religiosity, Ethnocentrism, and Animosity) and Attitude toward purchase imported Chinese fashion products in Egypt. Hence, the current study investigated consumer intentions to purchase foreign fashion products. The researcher chose these types of products due to their wide popularity among consumers and for their rapid adoption in marketing on consumer behavior studies. This study was conducted by drawing a sample from consumers in the largest main cites in Egypt. The foreign fashion products industry in Egypt is one of the industries that have narrow studies in marketing. Driven by the high penetration of the largest economy countries such as China to the market and due to the harsh unstable economic conditions after the Arab spring revolutions, the export plan to Egypt was part of the portion of their exports plans aiming for a more effective and efficient impact on consumers demands and intentions to get new fashionable products. These fashion products have succeeded in attracting thousands of consumers to become 'fans' on these foreign products. After conducting survey with Egyptian costumers on the market, the researcher was able to conceptualize consumers' intentions to purchase foreign fashion products. The second objective of this thesis was to investigate the antecedents of consumer intentions to purchase Chinese fashion products. The study examined the role of attitude toward intention to purchase Chinese fashion products in Egypt. The questionnaire was distributing in the Egyptian market applied by stopping random people on the marketplace and asking consumers if they are buying Chinese fashion products and if they answered yes, the researcher asked them to answer the questionnaire in the Google Forms through mobile phones. It also discusses the theoretical and managerial implications for the future of the present study findings. The limits of present research, as well as suggestions for future research work, are discussed in the second part.

RECOMMENDATIONS AND RESEARCH LIMITATIONS

The current study examined the impact of ethnocentrism, religiosity, country of origin image and animosity on intentions to purchase Chinese imported products in the Egyptian market with the mediating role of attitude toward purchase. As this study provided a statistically significant link between independents, dependent, and mediator variables. Marketers and academic scholars can use these findings to advance this discussion. This reasoning is provided based on purchasing of the Chinese imported fashion products. Governments, on the other hand, should concentrate on unofficially discouraging the importation of goods and services. Based on the findings and conclusions, it is reasonable to assume that religion, ethnocentrism, country of origin, and animosity plays an essential role in initiating and inciting purchase intentions among customers. As a result, international firms should consider religiosity, ethnocentrism, country of origin image, animosity while developing and marketing their products or services.

However, when we examined the prior literature, we discovered several gaps that had not been fully addressed. The majority of the literature focused on the current state of consumer animosity in specific countries while ignoring other critical issues. For example, standardization strategies may not be the best choice for companies operating in hostile countries, and such issues have not been thoroughly researched. Furthermore, entry modes should be a primary focus of research for companies interested in expanding into markets where there is animosity. A significant amount of research has been devoted to other sources of animosity, such as religious country image and ethnocentrism, which are related to animosity. ignoring the extreme influence that such elements may have on inciting animosity. Religion and country image are two major factors that contribute to nation diversification, and as long as such differences exist, conflict between nations will exist (Huntington, 1993).

In future study, it is suggested that the five aspects of religiosity be used. Beliefs, rituals, intellectuals, experiences, and consequences are examples of these aspects. This would give an extended model of religiosity, with the results yielding beneficial discoveries that practitioners might use as a guideline and researchers could use as food for thought.

While every attempt was made to ensure the study's neutrality, validity, and reliability, several limitations must be kept in mind while implementing the findings. These are described below:

1. Errors may have occurred during data collecting utilizing the survey approach. Although considerable effort was made to ensure that respondents understood the questionnaire statements exactly as the researcher intended them to be interpreted. Errors owing to misinterpretation or just incorrect data entry, on the other hand, cannot be totally out.

2. This study was carried out utilizing convenience sampling, and while the sample region was limited to Alexandria and Cairo, as the two main big cities and as they are the most huge purchasing power in Egyptian governments as (General Mobilization and Statistics Agency statistics in 2020) more cities may have been added to improve the study.

3. Data was gathered in a limited period. The findings and conclusions are essentially only applicable to customer responses in three Northern Indian towns from November 2020 to March 2021. The findings do not indicate how these characteristics alter over time.

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Appendix (1): Research Variables Operational Definitions

Variables	Statements	Reference
Ethnocentrism	- It is unpatriotic to purchase imported Chinese fashion products.	**(Xin and Seo, 2019)**
	- Egyptian people should always buy fashion products made in Egypt.	
	- Curbs should be put on imports of fashion products made in countries other than Egypt.	
	- We should purchase products manufactured in Egypt instead of letting other countries get rich off us.	
	- Egyptians should not buy foreign products, because it hurts Egyptian business and causes unemployment.	
Country of origin image	- China is a technologically developed country.	**(Yasin et al., 2007)**
	- China is an economically developed country.	
	- China is a culturally developed country.	
	- China is good.	
	- China is reliable.	
	- China is friendly.	
	- I have a good feeling about China.	
Animosity	- I feel angry towards China involvement in the war against other countries.	**(Ahmed et al., 2012)**
	- I can still get angry over the China role in the other countries.	
	- I will never forgive the China for occupying and killing the civilians in other countries (ex: In first and second war/Japan).	
	- When doing business with the China one should be careful.	
	- China companies are not a reliable trading partners.	
	- China wants to gain economic power over Egypt.	
	- China companies often outsmart Egyptian companies in business deals.	
	- China has too much influence on the Egyptian and on the Egyptian economy.	
Religiosity	- I go to a mosque/church/ place of worship regularly.	**(Wilkes et al., 1986)**

	- Spiritual values are more important than material things.	
	- If Egypt was more religious, it would have been a better country.	
	- I consider myself to be very religious.	
Attitude toward purchase	- It's good to purchase imported Chinese fashion products.	**(Chen and Tung, 2014)**
	- I desire to purchase Chinese imported fashion products.	
	- Chinese imported fashion products are pleasant.	
	- Choosing Chinese imported fashion products is a wise decision.	
	- Purchasing Chinese imported fashion products is a favorable thing for me.	
	- Purchasing Chinese imported fashion products is a positive thing.	
	- I prefer to purchase Chinese imported fashion products.	
Purchase intentions	- I am likely to purchase Chinese fashion products consistently.	**(Xin and Seo, 2019)**
	- I always want to purchase Chinese fashion consistently.	
	- I am planning to purchase Chinese fashion consistently.	
	- I will recommend the purchase of Chinese fashion to people around me.	
	- I will actively talk about the benefits of Chinese fashion products to people around me.	

The Arrangements for Implementation of State Administrative Courts Decisions in Indonesia Based on Justice Value

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ABSTRACT: In the Indonesian constitution it is stated that the State of Indonesia is a state of law, this is evidenced by the existence of a State Administrative Court which aims to prevent abuse of the authority of public officials, but the implementation of the PTUN decisions does not yet have firmness because there is no coercive effort for public officials who are declared wrong in implementing the policy. The purpose of this study is to analyze and explain the regulations as well as the execution of the decisions of the State Administrative Court that apply in Indonesia and analyze the weaknesses that affect the execution of the decisions of the State Administrative Court. The method in this is non-doctrinal, using primary data obtained by conducting interviews and secondary data by conducting a literature study, the results of the research are then analyzed using qualitative descriptive methods. Because Law Number 51 of 2009 concerning the State Administrative Court confirms not to carry out the execution of the PTUN decision. The weakness lies in the legal substance of Article 97 number (9) of the Law of the Republic of Indonesia Number 51 of 2009 concerning the State Administrative Court, which has not regulated threats to officials who do not carry out the provisions as stated in the decision of the State Administrative Court. And the weakness in Article 116 has not regulated the amount of forced money sanctions. While the legal structure factor is the absence of further legal remedies because the implementation of the PTUN decision depends on the awareness of the relevant officials. These weaknesses have led to a loss of public confidence in the PTUN decision, so it is necessary to reconstruct Article 97 point (9) and Article 116 of the Law of the Republic of Indonesia Number 51 of 2009 concerning the State Administrative Court.

KEYWORDS- Execution, administrative court, decision, reconstruction, law

I. INTRODUCTION

The 1945 Constitution of the Unitary State of the Republic of Indonesia is a derivation or elaboration of the values contained in Pancasila. This can be proven by Kaelan's explanation regarding the Preamble to the 1945 Constitution of the Unitary State of the Republic of Indonesia [1].

According to Kaelan, the first point in the Preamble to the 1945 Constitution of the Republic of Indonesia is the elaboration of the third principle of Pancasila. This opinion can be seen from the statement in the first main idea which explains that the Indonesian state is a unitary state, namely a state that protects the entire nation and the entire homeland of Indonesia, overcoming all understandings of groups and individuals.

Legal politics based on the value of God Almighty means that legal politics must be based on the moral value of God. Legal politics based on just and civilized human rights means that the existing legal politics must be able to guarantee respect and protection for human rights in a non-discriminatory manner. Legal politics must be based on the value of Indonesian Unity, meaning that legal politics must be able to unite all elements of the nation with all their primordial ties. Legal politics based on populist values led by wisdom in deliberation/representation means that legal politics must be able to create state power which is under the power of the people or in other words legal politics must be able to create a democratic country where the greatest power is in the hands of the people (democracy) [2].

Then with regard to the purpose of law, Sri Endah Wahyuningsih suggested that: if what national law aspires to is the Pancasila legal system, then it is appropriate to study and develop laws that contain Pancasila values, meaning laws that are oriented to the value of the One Godhead, laws that oriented to just and civilized human values, laws based on the value of Unity, and laws that are imbued with popular values led by wisdom in deliberation/representation and the value of social justice for all Indonesian people. Then legal politics must also be based on the value of Social Justice for All Indonesian People, meaning that legal politics must be able to create a socially just society that is able to create justice for the weak community both in the social sector and in the economic sector, so that there is no oppression between the people [3].

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Pancasila is the foundation and source of all sources for national legal politics. This is because Pancasila and the Preamble to the 1945 Constitution of the Unitary State of the Republic of Indonesia contain various ideals of the Indonesian nation, which are rechtsidee, namely to create a state capable of creating social justice based on the moral values of God, Humanity, Unity through mutual cooperation, not democracy. Through western democracy. In order to realize these various things, it is necessary to have a concept of guaranteeing the implementation of law in this country in the context of a state based on law as intended in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia.

One of the means of implementing the concept above is the Legal Regulations related to the State Administrative Court. Enrico Simanjuntak stated that in a democratic legal state, the function and position of the state administrative judiciary cannot be ruled out, let alone abolished, the existence of administrative justice is a condition sine quo non for the fulfillment of the status and legitimacy of the rule of law. The important position of the State Administrative Court or the state administrative court in Indonesia is due to its position as a check and balance or prevention and supervisor of the abuse of functions in governance and state administration in Indonesia [4].

Administrative law on the one hand guarantees the realization of a balance of state power and includes the relationship between relevant state institutions and on the other hand guarantees harmonization between the functions and duties of the state with the ideals of the nation, it is also clear that administrative law is a medium for the realization of the concept of limiting power as core of a constitutional democracy.

In its development, administrative law was born as a result of the community's need to guarantee the implementation of a just and democratic state and government. Administrative law is also born from the need for restrictions on state and government power over the community in order to avoid abuse of authority which will ultimately sacrifice the interests of the community [5].

In essence, human rights which are the goals of a rule of law which are clearly regulated in the state constitution can be realized by limiting power which can be guaranteed by the implementation of a just State Administrative Court. This is because the Administrative Court is an effective means of ensuring legal equality between the government and the community as evidenced by the existence of public lawsuits against government actions that are considered detrimental.

However, with various weaknesses in the regulation of Law Number 51 of 2009 concerning State Administrative Courts, the concept of a state of law in this country is very difficult to realize properly. This can be seen in the provisions related to the implementation of the TUN Court decisions in Indonesia. Article 116 of Law Number 51 of 2009 states that:

(1) A copy of the court's decision which has obtained permanent legal force, shall be sent to the parties by registered letter by the local court clerk at the order of the head of the court that tried him in the first instance within 14 (fourteen) working days at the latest.

(2) If after 60 (sixty) working days the court decision which has obtained permanent legal force as referred to in paragraph (1) is received by the defendant not carrying out his obligations as referred to in Article 97 paragraph (9) letter a, the disputed state administrative decision it has no legal force anymore.

(3) In the event that it is determined that the defendant must carry out the obligations as referred to in Article 97 paragraph (9) letters b and c, and then after 90 (ninety) working days it turns out that these obligations have not been carried out, the plaintiff shall submit an application to the chairman of the court as referred to in paragraph (1). in paragraph (1), that the court orders the defendant to implement the court's decision.

(4) In the event that the defendant is not willing to implement a court decision which has permanent legal force, the official concerned shall be subject to coercive measures in the form of payment of a certain amount of forced money and/or administrative sanctions.

(5) Officials who do not carry out court decisions as referred to in paragraph (4) are announced in the local print mass media by the clerk since the provisions as referred to in paragraph (3) are not fulfilled.

(6) In addition to being announced in the local printed mass media as referred to in paragraph (5), the head of the court must submit this matter to the President as the holder of the highest government power to instruct the official to carry out the court's decision, and to the people's representative institution to carry out the supervisory function.

(7) Provisions regarding the amount of forced money, types of administrative sanctions, and procedures for implementing forced payments and/or administrative sanctions are regulated by laws and regulations.

Based on the above provisions, it is clear that there is no rational coercion against the implementation of a TUN judicial decision. As for the other alternative to coercive implementation of the PTUN decision as referred to in Article 116 paragraph (4) of Law Number 51 of 2009 as described above also does not largely include the amount of fines and the mechanism for implementing the existing fines. This has clearly violated the goals of the state and the concept of the rule of law as described above, especially in terms of creating checks and balances and controlling the power of the state government in order to realize equality between the government and society in order to realize a fair respect for human rights in Indonesia [6].

This issue can be seen clearly in Case Number 1/P/FP/2017/PTUN. BJM related to the application for splitting the certificate of land ownership with No. 1824 which occurred in April 2017. In this decision, the Administrative Court judge granted the petition

and won the petitioner who wanted to split the certificate but was not paid attention or was not granted by the Head of the Banjarmasin Land Agency.

Furthermore, on the basis of the above problems, a letter of application was finally submitted to implement the PTUN decision as described above. However, this was also not carried out because the Head of the Banjarbaru City Land Office was also not willing to carry out the PTUN decision mentioned above. Based on the case, it is clear that the provisions of Article 116 of Law Number 51 of 2009 are unfair in terms of implementing the execution of the PTUN decision. This is clear in the case of Violation of the Administrative Court Decision by the Head of the Banjarmasin BPN, the results of the Observation and Indebt Interview at the Banjarmasin Administrative Court which was held on April 12, 2019. It has violated the Second Precepts of Pancasila as well as the Fifth Precepts of Pancasila and also the Fourth Paragraph of the Preamble to the 1945 Constitution of the Republic of Indonesia and specifically automatically violates Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia [7].

These various violations have clearly violated the PTUN principles, namely the principle of equality before the law, the principle of harmony, harmony and balance, and the principle of erga omnes. The violation of the principles of the TUN Procedural Justice is clearly also contrary to the preamble to Law Number 51 of 2009 which states that judicial power is an independent power to administer justice to uphold law and justice so that it is necessary to realize a clean and authoritative judicial institution in fulfilling a sense of justice in society.

II. RESEARCH OBJECTIVES

1. To know and analyze the current regulations for the execution of decisions of the State Administrative Court in Indonesia.
2. To analyze the weaknesses of the Regulation on Execution of Decisions of the State Administrative Court in Indonesia which is not based on the value of justice.

A. Research Method

The method used in this research is a sociological/non-doctrinal juridical approach, with primary and secondary data sources, namely data obtained by conducting interviews with judges at the State Administrative Court, as well as state officials who have had litigation, and equipped with digging up bibliographic data. Secondary data include:

1. Primary legal materials, namely binding legal materials consisting of the basic norms of Pancasila, the 1945 Constitution, MPR stipulations, laws and regulations, jurisprudence and so on.
2. Secondary legal materials, namely legal materials that are closely related relation to primary legal materials and can help analyze and understand legal materials the primer. For example, court decisions, research results of related experts, works of legal experts (relevant books), results of scientific meetings (seminars, symposiums, discussions) and others.
3. Tertiary legal materials that will provide information/explanation instructions on primary and secondary legal materials, such as legal dictionaries, indexes and others.

The data obtained were then analyzed by descriptive analytical method.

III. RESEARCH RESULTS

Execution Regulations of State Administrative Court Decisions That Are Not in Accordance with the Value of Justice Execution or implementation of court decisions is a forced action taken by the Court to the losing party to implement a decision that has permanent legal force. The existence of the execution of the decision is intended as a form of realization of achievements for the parties listed in the decision to carry out the obligations as stated in the ruling. The execution of PTUN decisions in particular is regulated in Article 115 of Law no. 5 of 1986 jo. UU no. 51 of 2009 reads "Only Court decisions that have obtained permanent legal force can be implemented" [8].

While Article 116 of Law no. 5 of 1986 jo. UU no. 51 of 2009, namely:

(1) A copy of the Court's decision which has obtained permanent legal force, shall be sent to the parties by registered letter by the local Court Registrar at the order of the Chief Justice of the Court who tried him in the first instance within fourteen working days at the latest.

(2) If after 60 (sixty) working days the court decision which has obtained permanent legal force as referred to in paragraph (1) is received by the defendant not carrying out his obligations as referred to in Article 97 paragraph (9) letter a, the disputed state administrative decision it has no legal force anymore.

(3) In the event that it is determined that the defendant must carry out the obligations as referred to in Article 97 paragraph (9) letters b and c, and then after 90 (ninety) working days it turns out that these obligations have not been carried out, the plaintiff shall submit an application to the chairman of the court as referred to in xxv referred to in paragraph (1), so that the court orders the defendant to implement the court's decision.

(4) In the event that the defendant is not willing to implement a court decision that has permanent legal force, the official concerned shall be subject to coercive measures in the form of payment of a forced amount of money and/or administrative sanctions.

(5) Officials who do not carry out court decisions as referred to in paragraph (4) are announced in the local print mass media by the clerk since the provisions as referred to in paragraph (3) are not fulfilled.

(6) In addition to being announced in the local printed mass media as referred to in paragraph (5), the head of the court must submit this matter to the President as the holder of the highest government power to instruct the official to carry out the court's decision, and to the people's representative institution to carry out the supervisory function.

(7) Provisions regarding the amount of forced money, types of administrative sanctions, and procedures for implementing forced payments and/or administrative sanctions are regulated by laws and regulations.

Based on the clause of Article 115 of Law no. 5 of 1986 above, it is known that the PTUN decision which is final and erga omnes has binding legal force for the disputing parties, so that the decision made by the judge becomes mandatory for the losing party. As for what is meant by a decision that has permanent legal force, it is a decision which is certain by itself having binding force [9].

According to Martiman, permanent legal force is a court decision that already has absolute power and can be executed or the decision has executive power. More rigidly, what is meant by permanent legal force is referring to an agreement to submit a dispute by the parties to the court for examination and trial.

This condition implies that the person concerned will submit and obey the decision handed down by the judge. The decision that has been handed down must be respected by both parties. Neither party may act contrary to the decision. Meanwhile, the clause in Article 116 paragraph (2) of Law no. 5 of 1986 jo. Law No. 51 of 2009 stipulates that the time limit for implementing the PTUN decision is 60 (sixty) days after it was decided by the court that it was sent to the defendant. In the event that during this 60 (sixty) period the defendant does not implement the court's decision, the disputed State Administrative Decision (KTUN) is considered to have no legal force anymore [10].

The purpose of this clause is to protect the interests of the Plaintiff by revoking the legal force of the disputed State Administrative Court. Furthermore, Article 116 paragraph (4) to paragraph (6) of Law no. 51 of 2009 accommodates the form of legal protection for the Plaintiffs after the revocation of the legal force of the disputed KTUN. This form of legal protection is the realization of the implementation of guaranteeing the rights of the plaintiffs that must be fulfilled by the defendants facilitated by the Administrative Court by:

a. Imposing coercive measures in the form of payment of a certain amount of forced money and/or administrative sanctions; The forced money (dwangsom/astreinte) referred to here is an additional punishment for the debtor to pay a certain amount of money to the debtor. In this case, Marcel Stome argues that: Forced money (dwangsom/astreinte) is an additional punishment for the debtor to pay a certain amount of money to the debtor, in the event that the debtor does not fulfill the basic penalty.

b. Which additional punishment is intended to pressure the debtor so that he fulfills the main sentence). Referring to the above definition, dwangsom can also be said as a form of reparatory administrative sanctions. Reparatory sanctions mean sanctions that are applied as a reaction to the violation of norms, which are aimed at returning to the original condition before the violation occurred. Thus, the existence of dwangsom is basically intended to obtain a concrete situation that is in accordance with the norm. Basically, the implementation of the dwangsom model has become part of law enforcement for the execution of the Administrative Court decision in France [11].

c. Dwangsom is applied in the event that the agency or official is late in carrying out the execution so that they are given sanctions and threats by paying money on a daily basis. The longer the defendant carries out the execution of the decision, the greater the amount of dwangsom that must be paid. In addition to paying the dwangsom, the relevant body or official will receive a reprimand from the Conseil D'Etat as a very influential court in France. If the dwangsom and reprimand from Conseil D'Etat are not heeded, then the relevant agency or official has the potential to be boycotted or rejected for submitting a budget plan [12].

d. Announce TUN officials who do not implement court decisions in the print media; Announcement of TUN officials who did not implement the TUN court decisions in the print media was part of the development of the execution of the Administrative Court decisions in the second phase (2004-2009) after the amendment of Law no. 5 of 1986. In its implementation, official announcements in local print media can be carried out by referring to the JUKLAK MA RI No. 2 of 2005. The existence of TUN officials' announcements in the print media is basically intended as a reminder for the TUN officials to execute the PTUN decisions. The act of announcing the unwillingness of State Administration Officers to execute the Administrative Court decisions in the print media will worsen the branding of the officials as well as the relevant State Administration Institutions. This is because the main function of press relations is to seek maximum publication or broadcasting of a message or public relations information in order to create knowledge and understanding for the audience of the company's organization concerned. The purpose of media relations is to disseminate information and gain public trust so that achieve individual and

organizational goals. In this case, the purpose referred to by the PTUN is to force the TUN officials to immediately carry out the execution of the PTUN decision through mass power. The main target emphasized is the image of the relevant TUN institutions, where the formation of a strong image requires good public opinion between the organization and its public must also be built properly. Therefore, the purpose of this announcement is none other than to emphasize the image of the relevant TUN institutions to the public [13].

e. Reporting the actions of TUN officials who do not carry out court decisions to the President as the holder of the highest government power. The act of reporting the TUN officials to the President is seen as the last alternative to force the TUN officials to carry out the execution of the PTUN decisions which have permanent legal force (in kracht van gewijsde).

This provision refers to the imposition of the completion of the execution to the President as the person in charge of the highest government affairs to instruct officials who are burdened with the obligation to carry out the PTUN decision which has permanent legal force. This condition is motivated by the task given by Article 4 paragraph (1) of the 1945 Constitution of the Republic of Indonesia which states that the President of the Republic of Indonesia holds governmental power according to the Constitution. In this case, the President is responsible for the government he leads, so that in principle it is the President who has the authority to form a government, arrange a cabinet, appoint and dismiss Ministers and public officials whose appointments and dismissals are based on political appointments. Above the president, there is no other higher institution, except the constitution. Therefore, in the constitutional state system, politically the president is considered responsible to the people, while legally he is responsible to the constitution. 15 The three actions are a form of norm renewal from the clauses of Article 116 paragraph (4) to paragraph (6) of Law no. 5 of 1986 which did not accommodate any form of legal protection for the plaintiff after the revocation of the legal force of the disputed State Administrative Court. Thus, the legislator's steps in adding to these coercive measures show progressiveness in law enforcement, especially the enforcement of TUN law in Indonesia [14].

Furthermore, the existence of the above coercive measures is necessary because not all TUN officials are willing to obey and implement the PTUN decision. The forced effort is a solution to resolve the case of the execution of the TUN decision because the implementation of the PTUN decision does not allow the involvement of law enforcement officers. In this case, the intervention of the President as the head of government is the best way to take action against TUN officials who do not want to implement the PTUN decision. In the context of following up on coercive measures as referred to in Article 116 of Law No. 51 of 2009, through Article 116 paragraph (7) it is explained that the provisions for coercive measures above must be further regulated in laws and regulations. The statutory regulations referred to here are implementing regulations (delegated legislation). Unfortunately, up to ten years since Law no. 51 of 2009 was issued, there are no implementing regulations that detail the procedures for implementing coercive measures, including administrative sanctions, announcements in printed mass media, and reports to the president. Such conditions result in the imposition of forced sanctions as if they have no legal force. Even though a revision has been made to the provisions of Article 116, several problems have arisen in terms of the implementation of forced money payments (dwangsom), which include:

a) There is no legal product that regulates the procedures and mechanisms for the payment of forced money as is the case with Government Regulation Number 43 of 1991 concerning Payment of Compensation in the State Administrative Court;

b) The deadline can be determined by the amount of forced money to be paid; and

c) To whom the forced money must be charged, whether to the finances of the relevant state administration official or to a private official who is reluctant to implement the Administrative Court decision.

This is because if the payment of forced money (dwangsom) in connection with the implementation of the execution of the decision of the State Administrative Court is implemented, Indroharto asserts that even if forced money is applied, it must be remembered that:

1) Property used for the public interest cannot be placed in a confiscation of execution;

2) Obtaining the power to carry out itself at the expense of the government (executed parties) would be contrary to the principle of legality which says that doing or deciding something based on public law can only be done by the State Administration Agency or Position that is authorized or based on on a statutory provision.

3) Seizing the freedom of people who are holding government positions as a means of coercion will result in severe reflections on the running of the government;

4) The government is always considered able and able to pay solvable.

In addition to the issue of the application of forced money, the imposition of administrative sanctions for state administrative officials who do not implement the decision of the Administrative Court which has permanent legal force has resulted in several problems including:

a) Types of administrative sanctions applied;

b) Basic regulations on administrative sanctions such as what can be used as a reference;

c) What is the form of mechanism and procedure for the application of administrative sanctions that must be applied?

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The issue of administering administrative sanctions also needs to be studied carefully in order to be able to cover the losses by the plaintiffs due to the non-implementation of the Administrative Court decision by the TUN officials. In this case the imposition of administrative sanctions must be carefully studied the facts of the violation of the law. Basically the imposition of administrative sanctions can be applied to two types of violations, namely: 1) Violations that are not substantial; and 2) Substantial violations. The imposition of sanctions for violations that are substantial and non-substantial in nature can be not the same. The statement above at least gives an illustration that although legislators have added coercive measures and administrative sanctions as a form of legal protection for the plaintiffs, in fact the two additional sanctions are not yet strong enough to bully TUN officials into implementing the TUN decisions. In other words, the clauses in Article 116 paragraphs (4) to (6) of Law no. 5 of 1986 jo. Law No. 51 of 2009 cannot be implemented (non-executable) [15].

Such conditions can certainly reduce the function of PERATUN. Where should be able to encourage the realization of a clean and authoritative government, namely the creation of an atmosphere of attitude that is not from the elements of the State that is enforcement of problems that are legally flawed. This is due to the decision of the TUN Court, whose legal considerations and dictum contain a statement that a KTUN is considered invalid as a violation of applicable laws and/or general principles of good governance (AAUPB), should be able to provide encouragement to the government, namely the agency or official. state administration to improve the system and its performance in carrying out government functions in order to realize a clean and authoritative government (clean and strong government) [16].

The State Administrative Court as an institution seeking legal protection for the people is often unable to provide satisfaction to the people as justice seekers for the victory they have won in a case, which is because the formulation of norms governing execution in the Administrative Court Law still has a level of weakness so that it often also encountered problems in the execution. That because of the weak norms governing executions, this is often used as an excuse by TUN officials not to heed the TUN Court Decisions.

In addition to reducing the function and image of the TUN judiciary before the government, there are obstacles that arise due to incomplete regulations that serve as legal umbrellas in implementing the Administrative Court decisions, such as:

a)   The system offered by the administrative procedure law in enforcing the implementation of decisions is based on the pattern of "moral compliance or legal awareness" (law awarenees), not on the pattern of "juridical compliance".

b)   The enforcement system for implementing decisions is not placed in a system that ends or is supported by a penetration as is appropriate in civil or criminal courts equipped with instruments that can force the Defendant/Official to comply with or implement the decision.

c)   The system for implementing compensation as regulated in PP No. 43 of 1991 and the Decree of the Minister of Finance of the Republic of Indonesia No. 1129/KM.01/1991 concerning Procedures for Payment of Compensation, the implementation of Administrative Court Decisions is very complicated and constitutes a rubber article because it is possible for payment of compensation to be delayed for several fiscal years.

d)   Juridically there is no balance between the plaintiff and the defendant, where the bargaining position of the plaintiff is very weak when the defendant/official does not comply with the decision. In addition to the juridical constraints above, there are also conflicting principles that make it difficult to implement the Administrative Court decisions due to the implementation principle of execution which is universally adopted by various countries, where the revocation or amendment of a decision can only be made by the official himself (contrarius actus principle).

In connection with the application of this principle, the defendant used the opportunity to delay or even not carry out the revocation of the decision ordered by the court. Based on the application of the contrarius actus principle, no other official is authorized to carry out the revocation, except himself, so that the revocation cannot be completed by anyone except the defendant himself [17].

IV. CONCLUSIONS

The execution of the decision of the State Administrative Court at this time has not realized the value of justice, this is because the existence of 116 Laws of the Republic of Indonesia Number 51 of 2009 concerning the Second Amendment to Law Number 5 of 1986 concerning the State Administrative Court does not expressly provide certainty. themselves not to carry out the execution of the Administrative Court decision. Inhibiting factors and factors that influence the implementation of the unjust execution of PTUN is the factor of legal substance, namely the provisions of Article 97 number (9) of the Law of the Republic of Indonesia Number 51 of 2009 concerning the Second Amendment to Law Number 5 of 1986 concerning State Administrative Courts which have not regulate threats to officials who do not carry out the provisions as determined by the State Administrative Court. As well as the weakness in Article 116 of the Law of the Republic of Indonesia Number 51 of 2009 concerning the Second Amendment to Law Number 5 of 1986 concerning the State Administrative Court that has not regulated the amount of forced money sanctions, it should be regulated more clearly in this provision.

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OTHER RECOMMENDATIONS

The State Administrative Court is more progressive in making decisions regarding the execution of the decisions of the State Administrative Court relating to the execution. For State Administrative Officers, it is necessary to be able to make legal breakthroughs based on the values of Pancasila and based on the progressiveness of the PTUN procedural law.

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The Acquisition of Verbs by Amharic Speaking Children

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ABSTRACT: The study describes the acquisition of verb by typically developing Amharic-speaking children. It recruitedcross-sectional research design to gather the speeches' data from thirty-two children using picture description, spontaneous elicitation, and story-tellingtasks. Thedata were audio- recorded, transcribed using IPA, and analyzed. The result showed that most ofAmharic speakingchildren's verbs appeared as single utterances. Verbs such as progressive, pastand imperfective were predominantly frequent in such a way; especially past and imperfective verbs appeared potentially meaningful simple sentence without overt subject and object.Similarly, auxiliary verbs, as a linking or helping verb, they had a consistent occurrence and most of the childrensimple SOVsentences were guided by auxiliaries. Moreover, the perfective, imperatives, and gerund verbs had a significant representation. However, passives were the least and they were not even detected in some children's speeches. The result alsoconfirmed, that progressive, past and auxiliary verbs had a leading place followed by imperfective. Children also varied in their choice of verbs while describing things, expressing ideas, and narrating events. Some children used a certain verbs monotonously but others weremore selective andstraightforward to the point. In this regard, olderage (4;5and 5;0years) girls had better performance. The distribution of verbs, in type and frequency also portrayed that how some verbsmore salient than others. In sum, theprogressive and past verbswere likely acquired earlier than others. However, verbs like passives seemingly need time. This implies thatthe order of verb acquisition differs cross linguistically due to the nature of derivational and inflectional morphology that children are able to acquire first.

KEYWORDS: Language acquisition, lexical development, acquisition of verbs and order of verb acquisition in Amharic

1. INTRODUCTION

First language acquisition is a process by which children attain the capacity to perceive and understand sound systems, as well as develop different lexicons and sentences to communicate. It is one of the typical human characteristics, because other animals do not acquire and communicate using sophisticated means of communication that is comparable to human language (Ferguson, 1964). As studies have shown, different classes of lexicon also develop through communication.Children naturally acquire a large number of words in an orderly manner in sentences while interacting with their surroundings (Ingram, 1989; Lust, 2006; Tomasello, 2003). Children start to communicate in a language by uttering single words and systematically their language develops into grammatically correct and complex sentences. According to Ferguson (1996), reasonably early utterances of a child may not be regarded as 'normal' adult language; but it is appropriate for them to communicate with their surroundings. Most little children adapt their own words by substituting or deleting the difficult phonemes to communicate comfortably. Another study has also shown that children's language has its own brand like short utterances with low semantic complexity, repetition, and imitation. However, they are able to learn quickly if adults communicate with them and help them to speak freely (Bloomfield, 1978). Language acquisition process has a natural path in which children develop their speech ability starting from uttering the first words to complex sentences. Through this process, children's lexicon develops rapidly and comprises different classes.

2. A BRIEF REVIEWOF LANGUAGEACQUISITION THEORIES

The underlying principles how human languages acquired has instigated researches' interest for centuries. Studying the acquisition of different languages is one of the tracking ways to understand and describe how languages develop, how and why they change, and how little children can learn them. It is true that, children, under normal conditions, are able to acquire any target language they are experienced to. Although it is perplexing phenomenon how the acquisition process occurs, a number ofstudies have approvedthose children, cross-linguistically, acquire their first language very quickly, and reach grammatically sophisticated adult-like communicationwithin a few years. Understanding how this happens and whata biological trigger determines and what is learned from the environment may have a major impact on identifying and comprehending the underlying principles that govern all human languages.

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In this regard, there are two major schools of thoughts within the field of first language acquisition: generativists and constructivists.Constructivists believe that language is learned by experience only and that all abstract grammatical knowledge triggered by the input children gets from the environment (Ambridge &Liven, 2011).Such a basic assumption of constructivists leads to saythat there is no especial requirement for any specific Language Faculty in the human brain, whichis associated only with language acquisition. Language is acquired through the same cognitive processes as any other type of knowledge. The process of acquiring a language is a complex one which requires children's perceptual, cognitive, social-communicative, and learning skills" (Bates & Tomasello, 2001),

In an attempt to explain the uniformity of language acquisition across language, Bates & Tomasello (2001) have showed the constructivists claim that practically children's early linguistic competence is item based and that children are not using any abstract rules or categories in their early language production. Furthermore, when patterns in speech production emerge, children are not able to expand their rules beyond specific items which are rote-learned; they take from the input theyexposed (Tomasello, 2001). However, it is undeniable fact that children eventually manage to create abstract rules and categories, which can be expanded across their entire language system. Constructivists argued that children require attaining the complex system, which includes general cognitive and social-cognitive skills (Tomasello, 2001). In addition, children in order to reach an adult-like grammar of their language, theymust build the abstract categories of the language based on the patterns they hear around themselves.Children across the world experience similar communicative needs in their daily life the acquisition process primarily startsby a number of unstructured word combinations. However, human language cannot be developed because of by the amount of input children only get from the environment, they need to have a natural ability of storing , analyzing and extracting meaning of the world.

Opposing the constructivists' claim,generativists propose that language comprises formal rules and operations, which works on abstract linguistic categories that refer to acquisitionof language is innate. Under the generativist approaches, the speakers are believedto attain a system of abstract rules that can generate novel utterances (Ambridge &Leaven, 2011; Garshol, 2013). These rules discuss thesyntactic categories like determiner, noun, verb, and phrases: noun phrase, verb phrases not to concrete items. The general issue of this system of the rules and the lexicon is referred to as the competence of the speaker, as opposed to the performance the actual production of utterances. Generative grammar is supposed to describe this abstract system explicitly, irrespective of the particular performance of the speakers- listener (Garshol, 2013). According to generativists' view, even if young children produce only a limited number of structures, these are not just rote-learned chunks, but generated by an underlying system of grammatical rules.

The significant part of human language cannot be developed at all because the important information attained from the environment; neither in the input nor in the context not alone help children to acquire their language because of learnability problem (Meisel, 1995). To solve this problem, generativists propose that an innate system of genetically endowed principles is valid for every human language and a set of parameters despite variation across languages. According to Radford (2004), all children, irrespective of their language background, they go through similar phasesof development starting with single word, and continue to primary level of two- and three-word utterances and later they use grammatically correct sentences. Children language development is commonly very rapid, after the first word occurrence and by the age of ten -thirty months, children have apparently acquired most of morphologically developed nouns, verbs and other functional lexicons(Radford, 2004;Garshol, 2013).Generally, no matter how there are two views of language acquisition process generativist's innateness and constructivists input or context, both school of thoughts are complementary which shape child's language development and acquisition theories.

2.1 The nature of Lexicon in children's language development
Child lexical development has a great tie to phonology and morphologyacquisition. In the course of acquiring different lexicon, children go through the process of learning the word form and relating the form to the concept over a period of time (Bloom, 2000; Justice et al 2005). Once word groups have been identified from the speech stream, it is possible to compare the existing words in the lexicon. There is some evidence that children's ability to access stored word representations. This was highly dependent on the sound match between the stored word and currently heard one (Houston & Jusczyk, 2003). One topic of the current debate in child's lexical development is whether children slowly become more and more capable of accessing stored word forms (Swingley & Aslin, 2002), or whether there is a gap in lexical representation that occurs when children begin to associate words forms with referents (Werker *et al*, 2002; Stoel-Gammon, 2006).

Study by Benedict (1979) has also indicated the age at which each child acquires predetermined numbers of words for comprehension and production.The advanced development of comprehen-sion quite remarkable.During the normal course of lexical acquisition, a child's lexicon is composed of a bulk of nominal and action words, however, fewer modifiers, personal and social worlds are also observed and through time, children acquire different classes of words, despite their frequency differences (Stolt, 2009). In this regard, scholars have had different standpoints about the type of words children comprehend and produce in the lexical acquisition process. In what order this acquisition occurs, how human beings organize the world into semantic concepts and how children acquire this parsing are central issues. One of the central arguments associated with these questions is the hypothesis put forth by Gentner (1982) that children universally acquire more nouns than verbs. This noun bias hypothesis was proposed based on

the comparisons between the relative frequency of nouns and verbs. Studies on the acquisition of English, Japanese, German, and Kabuli, Chinese and Turkish languages have also indicated that nouns established the largest word sphere and verb took the second position in the acquisition of the lexicon (Genter & Boroditsky, 2001; Kim *et al*, 2000).

Moreover, children appear to be differing in the types of words they focus on, especially, in the early stages of language acquisition. Some children have a relatively high proportion of nouns by age two; whereas others show a much lower percentage. They make up their vocabulary by different class of words having larger numbers of verbs than nouns (O'Grady,2006; Miller, 1986; Miller & Gildean, 1987). Similarly, Korean and Mandarin language researchers (Choi & Gopnik, 1995; Tardif, 1996) have challenged Genter's original Noun-bias-hypothesis. In addition, the Tardif (1999) reported that children acquiring Mandarin used more verbs than nouns in their spontaneous speech. However, the nature of input a child get from their families and surrounding can make a difference in early lexical acquisition(Tardff,1999) As studies indicated , children acquire different categories of verbs next to nouns despite the target languages' lexical domains is similar or different . The acquisition seems more comparable, although the target language-specific morphosyntactic matters influence the early development of lexical categories in the general acquisition of verbs in particular.

2.2 Acquisition of verbs

In the course of language acquisition process, the nature and development of different verbs require serious attention. As the studies indicated (Garshol,2013; Lorusso,2017)occurrence verbs take the second position in many languages.According to Lorusso (2017), most children around the age of two years, begin to combine words and produce their first verbs. Different category of verbs occurs later than nouns and the give relational concepts in the world and they are represented in syntax through argument structure. Verbs involve structural and distinctive meaning while structural meaning is derived from the few syntactic frames (the number and feature of the arguments) in which a verb can appear, idiosyncratic meaning is given through the relationships in the world that each verbal root denotes.The lexical category of verbs determines therepresentation of null subjects or the choice of the subjects in the sentences. Verb categories are also taken to be at work in the choice and the occurrence of the auxiliaries: children properly select auxiliaries depending on the lexical-syntactic information encoded in the VP-layer. After the first verbs occurrence, children are simultaneously learning the syntactic derivations and inflections(Lorusso,2017).

According to Lorusso (2017) explanation, noun is one of lexical groups thatinclude words that designate to people, places, things, ideas, or concepts. Noun are chosen by the predicates of the sentences and in inflectional languages may agree in number and/or gender with the verbs, While nouns directly stand to referee an object (or an abstract entity) in the world, verbs serves to express action or the event-types which have been undergone by one or more of the objects in the world. These smallest semantic features of verbs are plotted onto syntax in different ways. Verbs can describe or express the actions or events in which a given object or entity in the world. Concerning the acquisition at first, verbs does not have any functional categories, it also lacks tense, and case features. However, Radford (2004) basically claimed that at age of 1;6-2;0 English children speaking begin to use different lexicon but not functional categories. In other words, they start using, progressive -ing, and to some extent perfective -n (both Vinflections), but they do not use I-inflection such as 3rd person singular -s or past tense -d. On the other hand, Pierce (1992) confirmed that the use of a certain inflected non-lexical verbs at the age of two. She specifically explains the use of auxiliary *be* and modals *can* and *could*. Children usethese verbs both in declarative and interrogative structures. Like Radford, Pierce analyzes some of the occurrences as rote-learned chunks, but she also finds clearly productive uses of the above-mentioned verbs. According to Radford (1990), the grammar of child English lacks the IP-layer altogether. This entails that the child equivalents of the adult sentences are simple VPs. Radford provides many examples of structures seemingly lacking the IP-layer. Children omit both the infinitival *to* and modals in the obligatory contexts. Lack of infinitival *to* both with overt and covert subjects, as well as the lack of modal both in spontaneous and imitative speech is sign that children do not acquire such verbs earlier (Radford, 2004).

In addition, as Radford (1990)explanation, little children who are acquiring English, continuouslyomit tense and agreement affixes on main verbs such as the 3rd person suffix -s as in and the past tense suffix -ed as in. The agreement and tense features are carried by the head of IP, are not acquired yet.However, Swedish, Germany and Norwegian are verb second (V2) languages, children acquired V2 verbs earlier than others and they also acquire infinitival verbs in the first position (Westergaard ,2005) and but the order of different verbs acquistion is determined by the amount of input children able to get from the environment and the ability to express action during their speeches(Westergaard, 2009).

3. THE CURRENT STUDY

Language is an essential part of young children's development; it plays a crucial role in literacy acquisition. It is also a way of communicating and building relationships with others as well as it enables children to make sense of the world around them. Children, to achieve these language uses, they need to develop different linguistic elements of the target language, especially, the development of children's sound system and lexicons are considerably significant.However, researchers consistently raise different questions to understand and describe how children acquire words and what challenges they encounter during the acquisition process. Most of the researches on children's lexical development have described the acquisition of names of concrete objects, place, and

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people's names(Tomesolle&Marriman,1995). In spite of the fact that verbs play a significant part in children's language development, it seems that studies on the acquisition of verbs has notgiven much more attention like nouns. even studies conducted on verb acquisition, most of them have been found in European and Asian languages(Bittner et al.,2003;Natalia, 2003; Wine et al.,200 ;Garsho,2013;Lorusso,2017;Westergaard;2005). Similarly, from African language, Demuth et al (2010) has reported the acquisition of Seseato passives. However, except some studies on phonological acquisition of different local languages (Abebayehu, 2008&2013; Abebayehu and Demeke ,2017; Tairku 2019) and the nature of baby talk by Ebenezer (2013), no research report has been registered which describe the acquisition of verbs in Ethiopia languages. In order to fill this research gap, this study was intended to examine the acquisition of verbs by Amharic speaking and the following research questions were set.

Research questions

1. Which category of verbsbetween3;0 and 5;0 years children acquire ?
2. Which verbsare more frequent in children'sspeeches?
3. What does the order of verbs' acquisition look like?

4. METHODOLOGY

This current study was used a cross-sectional study design. A cross-sectional study design is defined as a type of observational research that analyzes data collected at once in a given point of time across a sample population or a pre-defined subset(Zoltan ,2007). Cross-sectional research design is helpful to include a large representative sample and less demanding to recruit respondents. It also allows researchers to gather a large size of data within a short period. The method helps the researcher to see individual ability of producing various lexical entities and enables researcher to establish relationship between variables. According to Zoltan (2007) explanation, cross-sectional data collection method is less exposed to detrimental factors like unexpected external events that are beyond the researcher control (e.g. children illness , drop out and other).Taking in to consideration, the researcher recruited this designed although it had common method of variance bias which result from childrentendencies, includingboth temporal feeling (moods) and personalities. For example, some children show emotional temperament to produce the required speech data in a consistent manner but to reduce the mentioned weaknesses, the researcher studied individual child's behavior, feeling and ability of speaking during the introduction period; and trials recordingswere made to choose children who were involved as a participants and if unexpected feeling(tiredness and lack interest to speak) occurred during the recording session , the recordings were stopped and repeated. Moreover, the different data collection tasks were administered independently and repeatedly to pick the best recording samples.

4.1 Participants

Thirty-two preschool children, balanced for gender, were drawn from a kindergarten using purposive sampling. They were between 3; 0to 5;0 years. Children who participated in this study and their parents do not speak other local languages except Amharic at home.

Table 1. Demographic data on the twelve children selected for the study

Code	Name	Sex	Age	Code	Name	Sex	Age
Group 1				Group 3			
C1	TSN	F	3;1;16	C17	BTHY	F	4;5;0
C2	HLN	F	3;2;5	C18	HNA	F	4;5;12
C3	AMN	F	3; 2;23	C19	IDY	F	4;5;19
C4	MKLT	F	3;2;14	C20	FKR	F	4;5;2
C5	NTN	M	3;3;15	C21	AMN2	M	4;6;7
C6	ELS	M	3;3:6	C22	KAL	M	4;5;21
C7	HRY	M	3;2;26	C23	EBN	M	4;6;9
C8	EYB 1	M	3;3: 8	C24	EPR	M	4;5;0
Group 2				Group 4			
C9	BLN	F	3;9:23	C25	SOL.M	F	4;11;10
C10	SOL.G	F	3;10:2	C26	SMR	F	4;11:6
C11	DGM	F	3;11:28	C27	RDT 2	F	4;11;20
C12	RDT.B	F	3;10	C28	LDY	F	4;11;26
C13	EYB2	M	3;1017	C29	ELNT	M	4;11;23
C14	AMN 1	M	3;9:24	C30	AMR	M	4;11;12
C15	MKYS	M	4;0:5	C31	NOD	M	4;11;21
C16	BRK	M	3;10:7	C32	EYB.G	M	4;11;2

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4.2 Data collection and process

The data were collected using picture description,and spontaneous elicitation and storytelling tasks. The speech data were audio recorded and transcribed using IPA and ExtIPA. The transcription was done in ELAN linguistic annotator tools as it was easy to search the frequency of part of speeches (POS) segmentation and was helpful to display the different lexical categories.

4.3 Data analysis

The research used qualitative and quantitative data analysis methods.First, the audio-recorded files were transcribed in ELAN annotator tools and saved in eaf for searching frequency of different lexicon (nouns, verbs, adjectives, adverbs, etc.). After searching was completed, ELAN displayed the following search results; the number of utterances, key words, and part of speeches (POS) (frequency of nouns, verbs, adjectives and other words). The results found in this way were registered in excel format and were put into order. Each child's data was registered to SPSS. Then, the analysis was made using descriptive,(mean frequency) analysis.

5. FINDINGS

Verbs were one of the main parts of speech, which appeared in different functional categories in Amharic speaking children's speeches. They described actions, state, or condition. The verb,in Amharic has very complex morphological features. Theyappeared with various prefixesand suffixes. Theywere also inflected forsubject, object, tense, person, gender, andnumber.Morphologically developed verbs can stand for a meaningful complete idea.Generally, verbs weredetected withdifferent information in children' speeches due to their derivational and inflectional morphology of the language. This article tried to describethe nature these verbs and their order of acquisition.
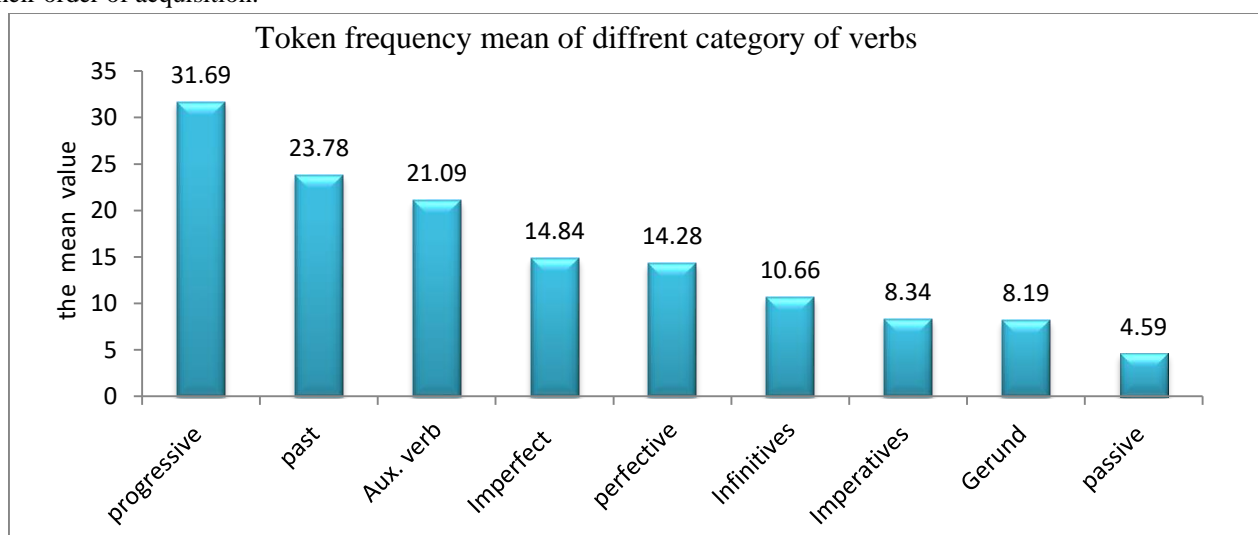
Figure 1 The mean value of different categories of verbs

As shown in the above graph, progressive, auxiliary, past, imperfect, perfective, infinitive, jussive (imperative), gerund, and passive verbs were found in children's speeches but these verbs had a different frequency occurrence. Their frequency also varied from one child to others and across age groups.

Progressive: from the total size of verbs, progressives took the largest share, these verbs had 39.69 frequency mean and the maximum verb count was 53 and a minimum 15 words. within this range of frequency, some of the progressive verbs were commonly detected in each child's speech. Progressive verbs, which were commonly detected in children speeches,are listed in the following table.

Table 2. Common progressive verbs detected in children's speeches

Progressive	Gloss	Progressive	Gloss
ɪjə-hedu	(They)going	ɪjə-bət'əsətʃ	(she) cutting
ɪjə-tətʃawətətʃ	(she)Playing	ɪjə-waɲu	(they) Swimming
ɪjəbəlatʃ	(she) eating	ɪjə-bərəru	(they) flying
ɪja-jətʃw	(She)watching(him	ɪjə-ʃəran	(we) doing
ɪjərot'u	(They) running	ɪja-t'əbətʃ	(she)washing
ɪjə-lək'ak'əmu	(They)stripping	ɪjə-t'at'atʃ	(She)Drinking
ɪjə-worədu	Getting down	ɪjə-məta(drum)	(he) Playing
ɪja-stəmaərtʃ	(she) teaching	ɪjə-zələlətʃ	(she)jumping

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As shown, the above progressive verbs appeared with different inflectional markers, which indicate subject, object, person, gender, and number despite they would not be complete without the axillaryverbs childrenused progressives as single word utterances and in a VP phrase. they were also detected in different sentences during their talk as presented in the following example.

Example 1

1. /ɨjə-bəl-a/= (as single utterance)
   Pro.3rd .Sig.M.V(ɨjə-bəll-a)*eating*
   Gloss: (he) eating
2. /t'otitua kətʃ'newotʃun ɨja-jə-tʃ nəw/
   DEF.3rd.P.sig.F.(t'ot'-it-ua)the ape+DEF.3rdpL.Obj(kətʃ'ne-wotʃu)*thegiraffes*Acc(-n)+Prg.3rdsig.F.V (ɨja-jə-tʃ)
   watching +PresentAuxV(nəw)*is*
       Gloss:The ape is watching the giraffes .(SOV)
3. /wofotʃu t'irat'ire ɨjəlkəmu nəw/ =
   DEF.3rdPL.Subj.(wofotʃu)the birds+PL.Obj.(t'irat'ire)cereals+Prg.3rd.PL.V(ɨjə-ləkəm-u)eating/ picking
   +Present Aux.V(nəw) is.
   Gloss: The birds are eating cereals.(SOV)
4. /kəbəro ɨjəmət-a /= (he) playing drums.(VP)
   Obj(kəbəro) drum+Pro.3rd.F.Subj.V(ɨjə-mət-a)
   Gloss:(he)playing drum(VP)

Although progressive verbs as single utterance cannot stand as complete idea, children had common tendency of using them as like (1) ,especially, in turn taking conversationduring elicitation and picture narration tasks, children frequently used progressive as independent utterances.However, when children were encouraged to answer questions like 'who is doing this? or, 'What is X doing ?They were able to use the progressive in asentence, which had overt subject, and objectlike sentences(2&3).Despite not frequent, in some instance, progressive appeared as VP phrase like (4). progressive verbs were seemlyfrequent in all children's speecheslike the above extracts. For example, progressive verb /ɨjəhed-/which was apparent in all children's speeches is derived from singular male subject indicatorV2verb /hedə/ *'he went'* occurredwithdifferent inflectional markers in children's speechlike /ɨjə-hed-ə/'(*he)going'* 'or,/ɨjə-hed-u/ meaning '(they) going',/ɪjəhedə-tʃ/'*(she) going'* or/ɪjəhed-n/'*(we) going'*andthe same patterns of inflection was also observed in other progressive verbs too. This impels that aged between 3;0 and 5;0 years children can produce progressive verbs with differentinflectional markers.Moreover, as the speech data taken from thirty-two children revealed,progressives were the first active verb category in children speeches.

Past verbs:These categories of verbs had 23.78 mean coverage in thirty-two children's speeches and the maximum count was 39 and the minimum 12and common past verbs detected in children speeches were presented as follows

Table 3. Verbs that demonstrate past action in children's speeches

Past verbs	Gloss	Past verbs	Gloss	Past verb	Gloss
mət'atʃ	She came	sət'ətʃat	She gave	aʃənəfu	They won
ajətʃ	She saw	dənəgət'tʃ	She was panicked	korəʃəmat	He crashed
wot'atʃ	She climbed	agənətʃ	She found	korət'ə	He cut
asərətʃ	She tied	hedu	They went	tədəbək'ə	He hide
waʃətʃw	She(it)lied to him	bəlluat	They ate her	təɲna	He slept
wodəkətʃ	She fell down	t'ət'u	They drunk	wosədat	He took her
tədəbək'ətʃ	She hid	abарəruat	They chased her	ask'əmət'ə	He put
motətʃ	She died	t'əjək'at	He asked her		

Originally, a 3rd person male past action indicator verbs are the first dictionary words in Amharic language and the other category of verbs are derived from such root verbs. Due to this reason, such verbs frequently manifested in children's speeches as children have started learning with these verbs. In addition, the first verb input is also past verbs. In a connection to this truth, next to progressives, past verbs were the most frequently occurring verb in children'sutterances. Pastverbs also serve as simple sentence, which conveys information about the subject, object, person, number, gender, and tense at the same time. For instance, the past verb /abarər-u-at/, commonly found in each child's speech when they tried to describe a picture 'what three cats did to catch a rat'.Some children used this verb as a single utterance as/abarər-u-at/ *'they chased her(it)'* and some others with over object like /ajt'ituan abarər-u-at/ *' they chased the rat'* whereas, the remaining children tried to include overt subject and object like /sotsu dimətotʃajt'ituan abarər-u-at/ *'the three cats chased the rat'*.Generally, these potentially inflected verbs were detected a meaningful

complete sentence without overt subject and object or its manifested commonly in SOV structured sentences. Past verbs had the second leading position in all children's speeches. The following extracts alsoindicate how the other past verbsoccurred indifferent children's utterances.

Example 2

1. /wot'a-tʃ / (*a verb serves complete idea without over subject and object*)
    3rd.sig.F Past V(wot'a-tʃ) climbed /went out
    Gloss: she (it) climbed / went out.
2. / zaf laj wot'atʃ/ (*a past verb with complement stands as sentence*)
    N(zaf) tree +PP(laj)on+3rd Sig.F.V(wot'a-tʃ) climbed/went out
    Gloss: she (it) climbed up a tree.
3. /t'ot'awa zaf laj wot'atʃ /(*past verb with overt subject and complement*)
    DEF.3rd Sig.Famle.N(t'ot'a-wa)+N(zaf)tree+PP(laj) on+3rd .Sig.F.V(wot'atʃ) climbed /went out
    Gloss:The ape climbed a tree.
5. /t'ot'awa zaf laj wot'atʃ na muz bəllatʃ/(*overt subject with compound past verbs andcomplements*)
    DEF.3rd Sig.F.N(t'ot'a-wa) the ape+N(zaf)tree+PP(laj) on+3rd .Sig.F.V(wot'atʃ) climbed /went out Conj(na)and + Obj(muz) banana+3rd Sig.F.V(bəlla-tʃ) ate .
    Gloss: The ape climbedon a tree and ate abanana.

As indicated in the above examples different past verb items appeared in children's speeches as single verb utterances like (1) and with complete(pp. Phrase like (2) and with overt subject (3) and with a combination of two verbs (4). However , younger age(3;0-3;0) children used most of past verbs as single utterances, but the others used alternatively depending the point the wanted address.

Auxiliary verbs:-, such verbs had 21.09 mean coverage and the maximum count was 40 and the minimum 8. They were the third most frequent verb type. Auxiliary verbs such as /nəw/,'(he)is)', /nat/ *(she) is*'or /nətʃ/*(she)is'*,/natʃəw/ '*(they) are*' and the past auxiliary form like /nəbəru/*'(they) were*', /nəbərə/*'(he)was*' and /nəbərətʃ/ *'(she)was'* and modal auxiliary like /itʃlaləlləhu/ *'(I) can'* /titʃlallətʃ/ *'(she) can'*were more salient types . Like adults, children were able to use these verbs as a linking or helping verbs as the example below illustrates

Example 3

1./and t'ot'j it nəbərətʃ/ (*Auxiliary 'be' as a linking verb*)
    Number Mod.Adj(and) *one*+DEF.3rd Sig.F.Subj(t'ot'j it) *the ape* + 3rd Sig.F Aux.V(nəbərə-tʃ) *was.*
    Gloss:There was one ape. (From storytelling task)
2./sidəwol misa ijəbəllan nəbər/
    3rdSigM.GRD.V(sidəwol)*while ringing*+Obj(misa)*lunch*+1stPl.Pr.PrgV(ijə-bəlla-n)*eating*+3rd
    Sig.M.auxV(nəbər) *was* .
    Gloss: While the bell ringing, we were eating (from elicitation)
3./ məs'əhaf itʃillaləhu/
    INF.V(məs'əhaf)*to write*+1st Sig Subj.Aux.v.(i-tʃillalə-hu) *I can*
    Gloss: I can write.(From elicitation)
4./wuha wust' nəw/
    N.(wuha) *water* +PP(wust') *inside*+ Aux (nəw)*is.*
    Gloss:It (he) is in the water (taken from picture description task)

As illustrated, children used auxiliary verbs as the rule of the language allows them. They used these verbs as a helping verb like sentence 2 and 3 and as a linking verb like (1) and (4). Moreover, when children were unable to remember the right expressive /descriptive words, they frequently preferred to use auxiliary verbs with demonstratives like / /jitʃi nat/'*this is (female)'* /jihe nəw/ '*this is (male)* and /inəzih nəbəru/ *'here they were'*. As a whole, auxiliary verbs had significant representation in each child's speech and most of the children's complete sentences were guided by these verbs.

Imperfective: as it was presented in above graph, imperfective verbs had 14.84 mean frequency and the maximum was 33 and the minimum 4 verbs. Most of the imperfect verbs were detected from children's elicitation mode tasks . During this session, the children were talking about what kind of activities they perform every day, at school and home and to express these events, they frequently used imperfectiveverbs as presented in the following table.

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Table 4. Imperfective verbs taken from children's speeches

Imperfective	Gloss	Imperfective	Gloss	Imperfective	Gloss
i-hedalləhu	I go to	at'naləhu	I study	ta-t'iballətʃ	She washes
i-sət'alləhu	I give	in-təɲɲalən	We sleep	ti-hedalətʃ	She goes
ji-tʃawətallu	They play	in-rot'alən	We run	ti-tʃʰohalətʃ	She shouts
i-səralhu	I do	in-at'ənallən	We study	ti-k'ərs'iɲalətʃ	She sharpens
in-s'fallən	We write	in-tʃawətalən	We play	in-bəllalən	We eat
in-zəmralən	We sing	t-astəmralətʃ	She teaches	in-maralən	We learn
awolkaləhu	I put off	in-awəralən	We talk	ti-k'ot'anallətʃ	She angry at us

In addition, children used most of these verbs as a single word utterances as the following speech extracts taken from Child SMR shows.

Example 4

> *Sample extract*
> Teacher : /ibet sithedʒ min tisərialəʃ?/
> N(ibet)*home*+2nd Sig.F.V(sithedʒ) *go*+Pro(min)*what*+2nd *Sig.IMPF.V(ti-sərialə-ʃ)*
> *Gloss:What do you do when you go to the home?*
> SMR: /itʃawətaləhu/
> 1st.sig IMPF. V(i-tʃawətal-əhu) *play*
> *Gloss: I play.*
> Teacher: /lella min tisərialəʃ?/
> Adj(lella)+ Pro(min) *what* +2nd *Sig.IMPF.V(ti-sərialə-ʃ)*
> Gloss:What other things do you do?
> SMR:/itəɲɲaləhu/
> 1st Sig.F. IMPF.V(i-təɲɲal-əhu) *sleep*
> *Gloss: I sleep.*
> Teacher: /lella minim atisərim?/
> Adj(lella)+ Pro.NEG(minim) + Neg.2nd sig.IMPF.V(ati-sərim) *not do.*
> *Gloss:What others do you do?*
> SMR: / at'ənaləhu/
> 1st Sig IMPF.V(a-t'əna-ləhu) *study*
> *Gloss: I study.*

Most of the imperfective verbs are derived from the root verbs by adding the derivational prefix /i-/ for 1st sig ,/ji-/ for 2nd pl and 3rd sig,male ,/ti-/3rd Sig.Female,/in-/ 1stPlular person. However, the imperfect verb types detected inmost of the children's speeches were thefirstperson Sig, imperfective verb types. These verbs also manifested as single utterances as the above example indicated. Like other verbs, imperfective areinflected for subject, object person, number, genderand tense. For example, th imperfect verb /ti-k'ərs'iɲalətʃ/ '*she sharpens it for me*' was detected in most children speeches and children tried to tell us what their teacher does when their pencils are broken. They all used a one-verbutterance formuch information about 3rd sig subject 'she', sign object 'pencil', and the 1stperson prepositional object 'for me'. This indicates that like adults, this age children were able to use morphologically developed imperfect verbsto expresstheir idea or feeling.

Perfect verbs: - the other category of verbs wereperfectivedespite their limited occurrence, theywere also seen in different children's speeches. The average size of these verbs was 14.24, the maximum frequency count was 27, and the minimum was 4verbs.Perfectverbssuchas /t'əftual/'*has gone out/switched off,*/təɲɲtual/ '*he has slept*' and /hedallətʃ/'*she has gone*'weredetected from children's verbs inventory. In addition, /k'oməwual/ '*they have stood*'/gəzitolatal/ '*he has bought her*', / billual/'*he has said*' / jizual/'*he has held*',/wət't'allətʃ/ '*she has been out*' were the other group of perfect verbs which were detected in some children speeches. Moreover, the perfect verbs like /tat'ibual/'*it has been washed*', /təsət'tual/'*it has been hung out*'and /adrigəwal/'*they have done*'were the recurrent verb type. Children's perfect verbs appeared like in the sentence, /wuʃa təɲitual/ '*The dog has slept*',/ʃəmizotʃu tat'ibəwal/'*The shirts has been washed*' /səwujəw k'omoual/ '*The man has stood*'. To sum up, perfective were detected across age groups but these verbs were not as frequent as past and progressive verbs and they were also absent in some children's utterances.

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Infinitives:like /in-didərk'u./'to be dried',/in-diləbəsu/'to be dressed',/lə-məzləl/ 'to jump/lit-mot/'to die',/li-gəddiləw/ 'to kill him', /lə-məmar/'to learn',/lə-məs'af/ 'to write' /lit-wodk/ tofail down (for female)./lit-wot'a/'to climb'/li-k'əmmaw/ *'to snatch him'*, */lit-ak'ərəb/'tobring/serve'* /lit-ak'fat/ *'to hug her'*were samples infinitives taken from children's utterances. These verbs had a 10.66 average share, the maximum was 24, and the minimum was 3 words .The following sample sentences illustrates how the nature of infinitive verb in children's speeches.

Example 5

1. /tot'awa zaf laj li-twot'a fəligga/
   DEF.3^{rd.}sig.N(tot'awa)+N(zaf)*tree*+PP(laj)+3rdsigINF.V(li-twot'a)t*o climb*+3rdsig.Main.V(fəligga)*wants*
   Gloss:The ape wants to climb a tree.
2. /innatua li-takıfat sitl wodəkətʃ/
   3rd sig.Poss.Subj.N(innat-ua) *her mother*+3^{rd.}sig.Subj&3rd sig Obj.V(li-takif-at)+3rd Sig . GRD(si-tll)+3rd sig.pas.V(wodəkə-tʃ) *fell down*.
   Gloss: When her mother wants to hug, she fell down .
3. /jəlidʒətuan lidət li-jakəbru nəbər/
   DEF.3rd sig.Poss.Obj(jə-lidʒ-tua-n) *the girl's* +Obj.N(lidət) *birthday+ 3rd Pl. INF.V(li-jakəbr-u)*
   Gloss: They were to celebrate her birthday.

As the examples above indicate, the infinitives did not appear as single utterance in children's speeches they were detected with the combination of different words in a complete sentence. Despite not frequent, infinitive forms were manifested in all children speeches andchildren were able to use in grammatically correct sentence types like the verbs observed in sentences 1,2,&3.

Imperatives:-the other verb category detected in children's speeches was jussive (imperatives). These verbs had 8.34 average coverage from the total verb size, and their occurrence ranges from 17 words to 0. Some of the imperative verbs were listed as follows.

Table 5. Words, whichrepresent imperative verbs

Imperative	Gloss	Imperatives	Gloss
amit't'a	bring	wusədʒiljn	take it from me
billa	eat	tənəsu	wake up/ stand up
sit't'at	give her	asajın	show me
tək'əmət'	sit down	tətʃ'awotu	play
təɲɲa	sleep	hidu	go
li-bbəs	get dressed	zimbəllu	keep quiet
Ask'əmmit'	put it down	abisu	clean
rəffi	stop	məllisu	Turn back
atrəbbiʃ	don't disturb	s'afu	write

The imperative were mainly manifested when children were taking about they are ordered to do by the family and their teachers and they were detected in a children's connected speech like in the following sample sentences.

Example 6
Extracts
1./at'ina' sibbal **'at'ənaləhu'**/
Gloss: when I am ordered to study, I study.
2./t'ərəten**məlisu** afenbədabo **abisu**/
Gloss: favored my story and bestow me something(all children)
3./Sinnrəbʃ Miss **"zi-mmibəllu"** tilənallətʃ/
Gloss:when we disturb Miss says ' keep quiet

Gerund had8.19 average coverage and maximum count was 26 and the minimum zero.

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Table 6. Examples of gerund verbs.

Gerund	Gloss	Gerund	Gloss
si-moku	While bathing (they)	tə-dəbbək'ə	Hiding (she)
si-bəllu	while eating (they)	ak'ɪfo	Hugging (she)
sirot'u	While running (they)	simola	While filling (it)
siwaggu	While fighting (they)	si-səbrəw	While cutting (he)
sijagəɲu	While getting (they)	si-wodku	While falling (they)
si-hed	While going (she)	si-mət't'u	While coming (they)
sit tʃʼawot	Playing (she)	si-rəbʃu	While disturbing (they)

The above lists and other gerund verbs, which were not presented here, were detected from elicitation modes. As researcher observation, during transcription, children used gerund to link or connect one idea to the next while narrating a story. As illustrated in the following examples.

Example 7
1./dʒibu hodu *si-molla* wədə beta hedə/ = while having full stomach,the hyena went to its home
2. /t'ot'it muz bəlta*si-ɪttʃʼərs* (zaf laj)wot'atʃ/ =she climbed (a tree) while finish eating.
3. /ajit'jit **sit-hed** wədəkətʃ/ = while going , the rat fell down.

The above sentences were taken from three children, and similar sentences production was also observed in other children's speeches, too and such verbs were existed in connection with other verbs ,like the verb /si-molla/ 'having filled' /si-tʃʼərs/ 'while finishing' and /sit-hed / 'while going as presented in sentences 1,2&3 respectively .
Passives: on the other hand, passives were the least frequent verbs and they had 4.59 mean coverage, themaximum countwas13, and the minimum zero. Passives, such as, /ik'otaləhu/ 'I am scolded ', /ji-ggəzal/ 'it is bought',/ta-siralətʃ/ 'she has been tied' /tat'ɪbual/ 'it has been washed' were the common passives taken from different children's speeches. Moreover, passive like /tə-səbərə/ 'was broken'/tə-gəzalat/ 'it was bought for her'(in ELNT), /tə-sət'əw/ 'he was given' /tə-k'orrət'/ 'it was cut' /alk'k'ual/ 'it was finished / consumed(SMR from the last age group), and /tə-sək'ləw/,'they are hung',/tə-məta/ 'he was beaten'(in SOL.M). Although passives were seen across age groups, they did not have a significant representation. A case in point, four children from the first age group did not use passives in their entire speeches. Generally, the manifestation of passive was very limited.

5. CONCLUSION

Verbs ,one of the largest group of lexicon, were composed of different functional categories in children's speech production. Progressive (31.69), past (23.78), and auxiliary verbs (21.09) were prominently frequent respectively. They covered the highest portion of the total verb's size. Children frequently used progressive and auxiliary verbs during the picture description, whereas the manifestation of past and imperfect verbs was also more noticeable in storytelling and spontaneous speeches. This brought the frequency of these verbs greater than others did. Verbs like perfective (14.28) followed by infinitive (10.66), Jussive (imperative) (8.34) and gerund (8.19) had a fair share in the growth of children's verbs. However, passive (4.59) was the least and it did not even manifestin some children's speeches. In addition, verbs such as , progressive , past and imperfective and jussive /imperative/ appeared in children's speeches , as single utterance ,VP phrases and in sentences and children were well aware of how to use these verbs in their speeches.

Moreover, children also differed in their choice of verbs while describing things, expressing their ideas, and narrating events. Some children used certain verbs repetitively but others were more selective and used various verbs types and items. In this regard, older age children (4;5-5;0) had better performance and choices in using different functional verbs. Likewise, the existence of different categories of verbs, as well as new verb items, was better described in girls' speeches than boys did. In sum, the distribution of verbs in type and frequency indicated this age circle children's verbs development and representation.
The frequent recurrence of progressives, past and auxiliary verbs may be an indication that these verbs were acquired prior to others even earlier than age three. On the other hand, the existence of imperfect, perfect imperatives, gerunds, and passive verbs in a respective manner highlighted the order of different verb acquisition and the rapid development of these verbs in child's language acquisition process. From the discussion made above, it can be possible to say that despite frequency difference, all categories of verbs except passives were significantly represented in all children's speeches with complex morphological inflections. Thus aged between 3;0 and 5;0 years children were able to express ideas, actions and events with morphologically well-developed verbs even if the type of utterances they produce differed one from the other due to their functional age and individual variability. In this study, verbs were not treated with syntactic-prefaces but the occurrence of well inflected forms were a good indications to describe

the early acquisition and rapid development of different categories of verbsin Amharic speaking children's language acquisition process.

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Strengthening Women Empowerment and Gender Equality in India

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ABSTRACT: Gender equality is a fundamental human right of each person in society and forms a vital foundation for a peaceful and sustainable world. This study aims to understand gender inequalities in India, with the objective of facilitating societies towards sustainable equality. There is an endeavour to strengthen women empowerment through recommended strategies that can be implemented in societies globally. A systematic literature review is carried out via a thorough literature search. Results have indicated that although there has been progression over the last few years including more females acquiring education through attending schools, less forced and early marriages, more females being appointed in leadership positions, there is still a requirement to eradicate gender inequalities further. Challenges highlighted within India include social norms and cultural biases, violence, education, and underrepresentation of women in positions of power. This study has deduced that there is a need for societal education on the identification of women inequality and changes of behaviour in supressed women. Utilisation of technology to promote women empowerment initiatives and collaborate with governmental and non-governmental organisations will facilitate women empowerment, because it is only by working together that gender inequalities can be eradicated.

KEYWORDS: Women empowerment, Gender inequality, India, Covid-19

INTRODUCTION

Contemporary life is subject to continuous change particularly residing in the technological era, where there is rapid globalization and technological advancements are at a peak (Somani, 2021). Gender equality is a fundamental human right of each person in society and forms a vital foundation for a peaceful and sustainable world, however, despite numerous advancements gender inequality is still present (Belingheri, Chiarello, Fronzetti Colladon, & Rovelli, 2021). Historically in the early 1800's, a woman's role was predominantly to perform domestic duties in the home environment. They had been defined as keepers of the home and homebased ethical teachers imparting ethics to their families and within society. Simultaneously they were housewives who resumed the role of giving birth to children, looking after the family, and succumbing to their husbands (Cerrato & Cifre, 2018). Within social settings, women were deemed as the weaker sex, thus inadequate compared to males resulting in gender inequalities. Within contemporary life the way women were treated in history can be perceived as conditions comparable to slavery because women did not control their own lives, instead they were dominated by men within society (Nan & Chang, 2019). This stemmed from male parents prior to marriage, thereafter the women's husband. The implementation of women movements became very effective; therefore, women began to challenge the social, traditional, economical, and political systems that had caused injustice for a long time, which initiated their new roles in society. Nevertheless, women have previously been exposed to reduced occupational opportunities and legal rights because of underrepresentation compared to males because a women's professional priority was deemed motherhood and wifehood. With the progression of time women won voting rights towards the end of nineteenth century (Teele, 2020). Women have also increased their chances to access education and other professions which were deemed for men only.

The stability of society was based upon a sound foundation involving the sanctity of marriage (Pessin, 2018). Within this partnership there was an expectation for women to obey their husbands and agree with them to ensure a stable and happy marriage. However, there were some topics that caused disputes, one of which was women's right to education, consequently leading to protests (Cain & Dier, 2020). It was only the daughters of wealthy parents that were able to acquire formal education for a large monetary value situated within their home environments. However, a well-educated female was perceived as unattractive to a male suitor thus attaining a marriage proposal became more difficult. Therefore, even within education the accessibility to learn subjects was limited and including reading, writing and languages. In addition, subjects available were directed at training women to be good homemakers and the subjects were deemed to help reach excellence in their 'wifely responsibilities' including knitting, midwifery, cooking and weaving (Whittle & Hailwood, 2020). It was the formation of "women rights movements" which facilitated protests to

stop slavery and men dictatorships. This led to revolution and ultimately the constitutional amendment processes and eradicating slavery. Women were able to view their opinions without oppression hence constituting towards a great achievement for women in history.

In contemporary life, women have become resistant to male oppression in numerous countries globally and they aim to become completely independent of their male counterparts. Women have earnt their rights through persistence and protests demanding equal education opportunities and religion activism overcoming oppressing challenges that were imparted by males and even opposing females in the past. Eventually, women commenced to seek employment outside their homes and imparted their knowledge and skills within socially accepted job roles. Although society have progressed revealing more opportunities for women, there are still many disparities between men and women that need to be addressed.

Objectives

This study aims to understand gender inequalities in India, with the objective of facilitate societies towards sustainable equality. There is an endeavour to strengthen women empowerment through recommended strategies that can be implemented in societies globally.

METHODOLOGY

This study is carried out by means of a systematic literature review via a thorough literature search. Manual and electronic databases are utilised which include, books, journals, and magazines. A well-planned process is implemented to search, identify, extract from, analyse, evaluated, and interpret from existing published white and grey literature sources. The following electronic databases are searched: PubMed, JSTOR, Scopus and Google Scholar. The following keywords have been used: 'Women' 'Gender' Inequality' 'India' 'Education' 'History' 'Marriage' 'Culture' 'Gender discrimination'. Numerous literature sources are identified therefore the following exclusion criteria is devised:

- Literature irrelevant to gender inequality in India are excluded
- Literature focusing entirely on women in history are not included
- Literature using languages other than English are ignore
- Literature with information duplicated in newer literature sources are not used
- Literature with insufficient technical information to their approach are excluded

In total of twenty-eight papers are shortlisted to aid focus to this study. Upon closely examining the papers, one was duplicated therefore not used and after reading the abstracts and introductions one was eliminated. This has equated to twenty-six studies. Another literature source was eliminated due to implementation details. Thus, twenty-five literature sources have reached the overall criteria and have been included within this study.

RESULTS AND DISCUSSION

Results have indicated that although there has been progression over the last few years including more females acquiring education through attending schools, less forced and early marriages, more females being appointed in leadership positions and serving within parliament or governing bodies; there is still a requirement to advance gender equality further. Challenges highlighted within India include education, violence, social norms and cultural biases and the underrepresentation of women in positions of power.

Education

The United Nations fourth and fifth sustainable development goal is quality education and gender equality (UN, 2022) as disparities are still evident within these areas globally. All females have a right to education in contemporary life however, within India, individuals belonging to lower socio-economic backgrounds are restricted by financial resources and cultural perceptions. This has become particularly evident during the covid-19 pandemic as restricted internet connectivity, access to appropriate hardware and software have become essential. For students that are unable to access essential elements to continue education from remote locations, then numerous students have ceased their education or differed a year (Somani, COVID-19 Lockdown Impact On Education, 2021). Similarly, a higher proportion of females that marry during their educational process are highly likely to discontinue education, instead they become home-makers and bare children (Khurana, 2021). When families are provided with the choice of educating one child due to a lack of finances, they opt to educate the male child in comparison to the female in many Indian families, largely due to systemic subordination where preference is given to males prior to birth. This results from profoundly ingrained systems of patriarchy, reduced female teacher and sanitation facilities like access to toilets which promote preference to males acquiring education. Gradually, societies are starting to understand that by empowering one woman to acquire education, an entire family becomes educated and through her future generations also benefit. This highlights the importance of educating women in society.

India and equality

In India the Prime Minister Narendra Modi signed the Sustainable Development Goals (SDG) in 2015 after winning the confidence of the UN as the Asian leader. He has been successfully progressing societies and quoted "Much of India's development agenda is mirrored in the Sustainable Development Goals. Our national plans are ambitious and purposeful; Sustainable development of one-sixth of

humanity will be of great consequence to the world and our beautiful planet" (Modi, 2017). India is the second most populous country in the world after China, and it has the most rapid growing global economy. PM Modi has situated India in a unique position enabling the delivery of what has been committed, pertaining to sustainable development and inclusivity. Through his leadership, India has been pivotal in shaping the SDGs and ensuring balance between the economy, social standings, and the environment. Challenges resulting from financial implications in India is continuously aiming to be overcome by PM Modi as he is committed to changing attitudes working to achieve ambitious goals which include universal rural electrification, road and digital connectivity, expanding clean and renewable energy, good sanitation and housing and universal elementary school education. Reaching goals is attainable with a good supporting team as PM Modi refers to as Sabka Saath, Sabka Vikas defined as a collective effort, inclusive development. Therefore, PM Modi is ensuring collaboration between a diverse range of stakeholders who share their knowledge and skills for the future development of the country and attaining SDGs. Two levels of government are working together to create change. The central government is supporting employment schemes, providing education, building roads between cities and villages and building houses creating opportunities for women from lower socio-economic backgrounds to have the same chances as the men.

Simultaneously, several Chief Minister sub-groups are providing invaluable advice on skill development, digital payments, and implementation of the Clean India Campaign Swachh Bharat Abhiyaan. Due to the rapid progression of the SDGs illustrated within India, it is expected that by the end of 2024 India will be totally cashless due to the establishment of a complete digital economy part of circular economy. It is also estimated that by the end of 2027 all students will be following a single curriculum within schools globally, ensuring that there is access to education for all an initiative commenced by UP UN. This ensures that even students residing in remote villages will have the same quality standard of education as overseas students, despite of gender.

Shri PM Modi has transformed tribalism to globalism creating a solid foundation for sustainable growth and positively impacting future generations. Hence, it is vital for societies to work together to ensure achievements of SDGs we can do this individually, locally, nationally, and internationally. Through this information, individuals are inspired to aid this initiative, act as role models, and facilitate the world towards gender equality and sustainability.

Violence

Gender equality according to the Indian constitution is a women's basic right and it has a vision of "Empowered women living with dignity and contributing as equal partners in development in an environment free from violence and discrimination. And, well nurtured children with full opportunities for growth and development in a safe and protective environment" (WCD, 2021). Violence against women persists at unacceptably high levels and has been intensified by the covid-19 pandemic. One in three women worldwide, 736 million women even before the pandemic, have experience physical or sexual violence at least once in their life lime from the age of 15years old, mostly by an intimate partner. Violence against women and girls is a human rights violation (WHO, 2021). During the pandemic, data and reports from front line workers have shown that different types of violence against women and girls, particularly domestic violence, has intensified (Women, 2022). Up to 10million girls will be at risk of child marriage over the next decade because of covid-19 This is in addition to the 100 million that were projected to become child brides before the pandemic (Unicef, 2021).

The pandemic has also added to the increase in the amount of unpaid domestic and care work that women are having to undertake (Seedat & Rondon, 2021) impacting upon employment levels, mental health, and ability to cope. Women already spend approximately two and a half times as many hours as men on unpaid and domestic and care work. In addition, increasing numbers of female harassment and violence against women persists on streets and public places and within homes. Particularly during the covid-19 pandemic as individuals have implemented government lockdown regulations and self-isolation, there has been an increase in alcohol/ drugs consumption as individuals face insecurity and instability (Mittal & Singh, 2020). The alarming increase in the number of covid-19 cases and associated effects resulting in death has created a global heath burden on global health services including in India where societies were severely challenges with the number of hospital beds, oxygen cylinders available (Singh, Haldar, Kannaujia, & Agarwal, 2021). As a result, daily essential services, like domestic violence shelters and helplines, have reached capacity with little or no help or support available.

Social norms and cultural biases

The role of stereotypes reinforced by social and cultural norms emphasize their vision on gender expectations. Decades of research has shown that stereotyping men and women have a huge impact on our beliefs about how they should or should not behave (Koenig, 2018). Consequently, gender stereotypes reinforce social status and gender hierarchies: for example, surveys and experiments show that women are generally perceived as more "communal" and "loyal", whereas men are described more as "protectors" and "competent" (Player, 2013). Not all individuals subscribe to these stereotypes, however evidence suggests that men and women behave in ways that contradict these traditional stereotypes. For example, negative stereotyping is encountered within societies when a male stays at home and a woman goes to work in India. This is because societies have been conditioned towards expectations and gender specific roles during their lives. They represent and reinforcing unconscious and unseen biases. This notion has also been dramatized within film production in the endeavor to raise societal awareness in India towards important issues, for example

in the Bollywood movie Ki&Ka starring Karena Kapoor and Arjun Kapoor. In modern day India it is becoming increasingly difficult to successfully balance employment and family life due to competing demands of work and family life. This has created a negative impact on the mental health of women due to increased stress levels (Somani, The Impact of COVID-19 on Human Psychology, 2020). There is a substantial body of research connecting stress to cardiovascular disease, the future manifestation of hypertension related to the individual 's response to stress, metabolic syndrome, obesity, emotional overeating, while stress fuels approximately 50% of depression cases making it more important to ensure women are supported and gender inequalities are demolished.

Underrepresentation of women in positions of power

There are multiple elements associated with diversity in the workforce as it constitutes towards creating "vibrant cultures, improved responsiveness to employee and customer needs, greater innovation and creativity, and helps organisations compete in an increasingly globalised (and thus diverse) marketplace" (IES, 2022). Although there has progressively been a reduction in the gender differences, women are still underrepresented in position of power due to the differences in the gender pay gap and habitual mindset within male dominated senior management positions. This can be overcome through every organisation ensuring the implementation of equal pay audits, reformed pay structures, the identification and rectification of unfair pay with the application of pay progression filling in the gender pay gaps, accepting and offering women positions of power in India. For example women are still under-represented in political leadership roles according to the United Nations it will take one hundred and thirty years until gender equality is reached within positions of power, there were only twenty-six women over twenty-four countries that served as Heads of State of Government, as of September 2021 (UN, Facts and figures: Women's leadership and political participation, 2021). It has also been highlighted that during the covid-19 pandemic, women have been largely affected, their resourcefulness and implementation of ideas will enable the recovery of communities globally. Hence, it is believed that by situating women within positions of powers, men and women can work together to plan and make decisions towards a fast recovery.

CONCLUSION

This study had deduced that gender inequality exists within India and societies internationally. However, it is particularly noticeable amongst the underprivileged belonging to lower socio-economic backgrounds where there is still a reluctance to view women equal to men. Historical social and cultural norms have created a foundation that have become habitual with a reluctance to change. As a result, men still have higher privileges compared to women within India that is noticeable within education, violence, and exploitation, forced marriages and also genital mutation needs to be stopped by shifting cultural beliefs. The covid-19 pandemic has increased the amount of unpaid care and domestic responsibilities placed upon women. This should be a shared responsibility between members of the household regardless of gender. There is a need for more women in leadership roles so that they can be part of the decision-making process, key in devising new laws and developments to progress societies ensuring legislations and policies can be adapted and strengthened. Simultaneously, women need to have equal rights to financial services, economic resources, and property ownership. The UN has five priorities that will help to mitigate the impact of covid-19 on women and hopefully in turn eradicate prejudice. There must be a reduction in Gender-based violence, including domestic violence.; A framework to support females by providing social protection and economic stimulus; The support and practise equal sharing of care work; The involvement of females leading and participating in response planning and decision-making processes; Data and coordination mechanisms including both gender perspectives (UN, Goal 5: Achieve gender equality and empower all women and girls, 2022). There is a need for more feminists who believe in social, political, and economic equality between men and women. The rights to equal opportunities, intellectually and socially with equal recognition and treatment is still a challenge within India.

Recommendations

Women in societies not only in India, but around the world have been challenged substantially over the decades and during the covid-19 pandemic. Although gender inequalities are gradually subsiding, many factors still require focus as existing gender barriers have been exacerbated. For example: occupational gender stereotyping, bullying, sexual harassment, domestic violence, and equal access to education. It is necessary to raise societal awareness on gender inequalities and utilizing technology to promote women empowerment initiatives. Interactive videoconferencing software, the use of mobile applications and local support groups can be organized. This will enable women to generate a sense of belonging and identity, feel inspired and cultivate the courage and motivation to help themselves and others. It is necessary to educate and support women in society simultaneously raising awareness to other genders identifying behavioural changes in women due to suppression and understand their consequences. Additionally, knowledge on how to approach situations with confidence and collaborate with governmental and non-governmental organisations to facilitate this endeavor because it is only by working together that gender inequalities can be eradicated.

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Non-Military Defense Against Covid-19 in Bali Indonesia

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ABSTRACT: The importance of strengthening non-military defense capabilities in the province of Bali as a result of the threat of the Covid-19 virus is motivated by the importance of maintaining national defense from various non-military threats, such as ideological, political, economic, socio-cultural threats, terrorism, drugs and public safety such as the spread of the Covid-19 virus. . The spread of the Covid-19 pandemic in the province of Bali is still high where as of June 9, 2021, it was recorded that the cumulative number of cases was 47,581 people, 45,630 people recovered (95.90%), and 1,514 people died (3.18%), 437 active cases. people (0.92%), with the highest number of sufferers in Denpasar City with an accumulation of 15,032 sufferers. The spread of the Covid-19 virus in Bali has reduced economic growth and people's income in the tourism aspect. From these conditions, questions can be drawn about how the level of non-military Defense capability is to deal with the threat of the Covid-19 virus, alternative priorities and strategies for strengthening non-military Defense capabilities. By using quantitative research methods on non-military defense capabilities in policy/regulatory aspects (3.6), early awareness (3.9), state defense (3.9), technological capability (3.7) and budgetary support (3.5). To support the strengthening of non-military defense capabilities, it is necessary to formulate appropriate policies and establish non-military threat countermeasures institutions. The strategic step that needs to be taken is to increase the ability to analyze various potential threats in order to provide appropriate data analysis to deal with various potential military threats. As a suggestion, government action is needed to support increased national awareness to prevent risks from non-military threats.

KEYWORDS: Non-military Threat, National Defense, Covid-19, Bali, Non-military

1. INTRODUCTION

Efforts to improve national defense are prepared to deal with various threats including non-military threats that interfere with national defense (K. A. Prasetyo, Prakoso, & Sianturi, 2021). In an effort to maintain national defense, not infrequently in an effort to maintain national defense, countries compete with each other for dominance in order to maintain national defense from various threats. A nation in the sociological anthropological sense is a group of people who inhabit an area bound by similarities such as the unity of race, religion/belief, tradition, history, region, customs and language (Hendrizal, 2020). From this understanding, national defense can be defined as the safety of all people who sociologically and anthropologically have ties to the unity of race, religion/belief, tradition, history, region, customs and language (Arto, 2021).

In the case of the non-military threat of the Covid-19 pandemic in Bali Province, where the growth rate of Covid-19 sufferers is still high, as of June 9, 2021, it was recorded that the cumulative number of cases was 47,581 people, 45,630 people recovered (95.90%), and 1,514 people died. (3.18%), active cases were 437 people (0.92%), with the highest number of patients in Denpasar City with an accumulation of 15,032 patients (Bali, 9 June 2021). The magnitude of the case growth rate of 0.92 percent has implications for the slow handling of the spread of the Covid-19 virus which has an impact on the slow recovery of the tourism business world in Bali, which is caused by the low number of tourist visits both from domestic and abroad which has not been normal. This also has an impact on the still low income of the community and local government, especially from the tax sector, both hotel taxes, tourism sector, entertainment sector and food and beverage sector are still low. The realization of Bali Province tax revenues as of June 30, 2020 was Rp.4.32 trillion, which was dominated by Income Tax (PPh) of Rp.3.22 trillion (74.5%) and Value Added Tax (VAT) of Rp.1.05 trillion (24.3 %). This realization is smaller than Tax Revenue in the same period in 2019 which reached Rp5.22 trillion. The decline in tax revenue is the impact of the Covid-19 pandemic (Ariwibawa, 2020)

As is the case with the Covid 19 outbreak, under certain conditions it has been wrong to predict the potential for infectious diseases to the community. The lack of comprehensive analysis of the potential threat of the COVID-19 pandemic is indicated by the idea that, firstly, the disease is unlikely to be contagious in a country that has hot weather like Indonesia. Second, some people also have the idea that Indonesian citizens have natural immunity because they often consume spices, so they are not easily infected

with the Covid 19 disease. As a result of these two thoughts, some Indonesian entrepreneurs are still carrying out export and re-export activities of health equipment such as masks, medical equipment. personal protective equipment (PPE) for health workers and hand sanitizers abroad. This condition, of course, made these three items rare when the president announced that there would be Indonesian citizens infected with Covid 19 as the first and second patients on February 2, 2020. With these conditions, it is necessary to increase non-military defense capabilities to deal with the threat of the Covid-19 virus (Prakoso). , 2020).

As an analytical material, the authors use secondary data obtained from BNPB disaster report data sources, WHO report data and various main stream mass media sources in the country, especially in Bali Province. The writing of this thesis is presented using a quantitative method based on surveys and interviews with resource persons as well as secondary data and triangulation with participants related to increasing non-military defense capabilities in Bali Province in the face of the threat of the Covid-19 virus. From the results of the research, it is hoped that it will be able to provide solutions for efforts to increase non-military defense capabilities in the Province of Bali in dealing with the threat of the Covid-19 virus which can disrupt the defense of the Indonesian state.

2. METHOD AND THEORY

The research method used is a quantitative method to analyze various data, symptoms, information and information in increasing non-military defense capabilities in Bali Province in facing the threat of the Covid-19 pandemic. Quantitative research is defined as an analytical process to understand various conditions compiled with various theoretical studies and literature studies and data processing to produce values that support data from phenomena (Creswell, 2017). This quantitative research method was compiled by formulating various matters related to data, information and information in increasing non-military defense capabilities in Bali Province in facing the threat of the Covid-19 virus, followed by conducting a survey of various data that supports the results of quantitative research (Creswell, 2013).). From quantitative data supported by survey activities through various data and information and compiling reports from detailed views of respondents (Creswell, 2017).

National defense is the main goal in the life of the nation and state. Marcus Tullius Ciero once said Salus populi suprema lex which means that the safety of the people is the highest law. Thus, with the establishment of a nation, the Indonesian nation has the responsibility to create security, order, welfare and prosperity for the people (A. Setiawan, 2018).

The AHP method is used to rank decision alternatives and choose the best one with several criteria. The AHP step is carried out by developing a numerical value to rank each decision alternative, based on the extent to which each alternative meets the decision maker's criteria. The AHP method is suitable for use in decision-making research models (saaty, 2008).

3. ANALYSIS AND DISCUSSION

From the results of data processing on 6 elements consisting of: the affected national sector, the main obstacles, possible changes, the objectives of the program to increase non-military defense in the face of the Covid-19 pandemic, the activities required and the actors involved in the implementation of the program can be described in relation to the ability to face the COVID-19 pandemic. the threat of the Covid-19 pandemic and national defense in the province of Bali.

a. Affected national sectors.

From the results of processing participant data on sector elements that are affected in strengthening non-military defense capabilities to deal with the threat of the Covid-19 virus, it is known that as a key element is the legislation sector which is carried out by drafting policies/statutory regulations in the DPR to increase non-military defense forces. This legislative activity is an important activity to formulate policies/regulations to strengthen non-military defense capabilities in the community (Robbani, Reksoprodjo, & Bastari, 2020).

In relation to the task of preparing non-military defense capabilities in the regions, it is currently in the hands of local governments, which are supported by related agencies. Meanwhile, for countermeasures to deal with potential non-military threats, there is no agency tasked with handling them, except for disaster management, in the regions there are institutions of the Regional Disaster Management Agency (BPBD) and BNPB at the central level. Meanwhile, in the aspect of potential non-military threats in the aspects of ideology, politics, economy, socio-culture, terrorism, drugs and public safety, there is no organization/institution that handles it. With these conditions, it is important to reorganize BNPB into a BNPAN institution that has the task of dealing with the emergence of non-military threats (Lukman Yudho Prakoso, 2021).

When the non-military threat is still at the potential level, the BNPAN institution can increase the capacity of the non-military aspect of state defense by conducting coaching activities to increase early awareness of local government officials and the public so that they have the ability to carry out early detection. With the ability to analyze and early detect potential non-military threats, local government officials together with the community will be able to prevent and mitigate these non-military threats. To support the ability of local government officials to prevent non-military threats, it is also necessary to increase the integration between related institutions from various fields of non-military threats (Subagyo, 2018). To improve this integration, a technological facility and mastery of technology and information (ICT) are needed that integrates

information from the regions to the center, so that it can be used for making the right decisions in dealing with non-military threats such as the Covid-19 pandemic.

b. **Main Obstacle**

From the results of participant data processing, the main obstacle element in strengthening non-military defense capabilities to deal with the threat of the Covid-19 virus is the low ability of the apparatus to analyze potential non-military threats, which is a key element, so that government officials and local governments need to be improved in order to be able to provide precise and accurate information. related to phenomena that occur that can disrupt the safety of the nation and national defense, such as the threat of the Covid-19 virus. The condition of the low analytical ability of government officials and regional governments in analyzing various potential non-military threats including the impact of the Covid-19 pandemic has resulted in a lack of synchrony of policies taken by local governments with the central government, so that handling the Covid-19 pandemic takes a long time (Amrynudin & Katharina, 2020).

Thus, to be able to increase the ability of government officials and local governments in strengthening the ability of the state defense in non-military aspects to deal with the Covid-19 virus, it is necessary to increase the ability to analyze various phenomena that occur (Dipua, 2020). This analytical capability also needs to be prepared with the support of coordination with related institutions both at the regional and central levels through the media, facilities and the ability to use information and communication technology (ICT). With the integration between government officials and local governments, it is hoped that they will be able to increase public awareness up to the village/village level to comply with all instructions issued by the government and local governments (Herdiana, 2020).

Increasing public awareness and concern for complying with government and local government policies/regulations as well as the security of the surrounding environment will be able to support the ability to deal with various potential non-military threats, including the Covid-19 pandemic.

c. Changes that need to be made

The results of processing participant data on elements of changes that need to be made in strengthening non-military defense capabilities to deal with the threat of the Covid-19 virus in the province of Bali, as the key to the success of the importance of BNPB organizational restructuring activities to become the National Agency for Combating Non-Military Threats (BNPAN). As described in the previous sub-chapter, this BNPAN organization is an elaborative of BNPB which is prepared to enlarge the scope of fields and responsibilities in dealing with non-military threats.

The importance of preparing the BNPAN organization is based on the consideration that potential threats to the safety of the nation can take many forms and aspects. In this non-military threat aspect, it can be in the form of ideology, politics, economy, socio-culture, legislation, drugs, cyber and public safety such as the Covid-19 pandemic. With these conditions, an institution is needed that is able to provide information for early detection, followed by early warning and early prevention (Nizar, 2021). If the potential non-military threat is unavoidable and continues to occur in the territory of Indonesia or more specifically in the province of Bali, then BNPAN is expected to be able to take appropriate steps to support the response to non-military threats (Kasih Prihantoro, 2021).

To support the organizational change of BNPB to one that handles non-military threats, it is necessary to change institutional governance against non-military threats. With this organizational change, it is necessary to formulate an organizational vision and mission to increase effectiveness in overcoming non-military threats. Apart from that, various strategies and mechanisms for cooperation with related ministries/agencies both at the central and regional levels are needed to deal with various non-military threats.

d. **Program Objectives.**

The results of processing participant data on the objective elements of the Non-military defense capability improvement program are known as the key element in increasing the ability of the entire Indonesian nation to face non-military threats. The importance of increasing the ability of the Indonesian people in early detection, early prevention and response to potential non-military threats is the existence of conditions where the development of non-military threats such as the Covid-19 virus will have an impact on the weakening of the national defense system.

As a result of the spread of the Covid-19 pandemic which has been followed by various government policies in an effort to break the chain of distribution, such as the Large-Scale Social Restriction (PSBB) policy, the New Normal Era (New Normal) and the Enforcement of Community Activity Restrictions (PPKM), it has had various negative impacts. such as the decline in social relations in society, resulting in a decrease in production, an increase in unemployment, a decrease in people's income and a decrease in national economic growth (Prihantoro, 2021).

To improve the national defense system in the aspect of non-military threats, the government needs to develop various policy programs with the aim of increasing non-military defense capabilities which are expected to have an impact on maintaining national economic stability, which is carried out by increasing the ability to analyze various non-military threats of local government apparatus and the community, increasing public awareness of potential non-military threats, increasing

integration between all personnel in ministries/agencies to deal with various potential non-military threats, mitigating various risks of non-military threats, accelerating the recovery of affected communities after the occurrence of threats and increasing community readiness to face non-military threats.

e.   **Required activities**

        The results of processing participant data on the activity elements needed to strengthen non-military defense capabilities to deal with the threat of the Covid-19 virus, as a key element are the importance of educational activities on the ability to analyze potential non-military threats and the Revision of Law Number 24 of 2007 concerning Disaster Management. Increasing the analytical capability of government apparatus and local governments in early detection of various potential non-military threats will have an impact on the accuracy and accuracy of data, so that policies and decisions taken will have effectiveness in overcoming non-military threats, including the spread of the Covid-19 pandemic. The ability of the government apparatus and supporting components such as TNI and Polri personnel will contribute to minimizing the potential risk of a greater negative impact.

        Meanwhile, in the revision of Law Number 24 of 2007 concerning Disaster Management, it is necessary to revise it to deal with various potential threats to the safety of the nation. Revision of Law Number 24 of 2007 concerning Disaster Management In the management of various disasters it is necessary to make several revisions such as harmonization in the management of infectious disease outbreaks as regulated by Law Number 4 of 1984 and disasters with social conflicts which have been regulated by Law Number 7 In 2012, the revision and harmonization will be able to support effectiveness in dealing with potential threats to the safety of the nation.

        The management of various potential threats to the safety of the nation can be carried out by establishing various development policies that have an impact on the occurrence of disasters, various disaster prevention activities, emergency response, and also rehabilitation. With the spread of the Covid-19 pandemic which can disrupt the safety of the Indonesian nation, governance is needed to increase vigilance in the province of Bali in order to be able to handle the dangers of the Covid-19 pandemic as part of a non-military threat that can disrupt the safety of the nation.

f.   **Actors involved**

        The results of processing participant data on elements of actors involved in strengthening non-military defense capabilities to deal with the threat of the Covid-19 virus, as a key element is the importance of the State Intelligence Agency (BIN) to provide precise and accurate analysis to the President, so that the President is able to make policies and appropriate strategic steps in accordance with the magnitude of the risk posed by the non-military threat (Suhirwan, 2020).

        The role of the BIN organization in providing data, facts, risk impacts based on various phenomena and symptoms that occurred previously at the global, regional and national levels becomes a reference in compiling reports on potential threats that can disrupt the safety and security of the entire Indonesian nation. With complete, precise and accurate data and information, the President will be able to use appropriate directions and policies that will be carried out by all elements of the relevant Ministries/institutions in a targeted manner, so that the Indonesian people can mitigate or even be able to prevent the occurrence of real threats that can occur. interfere with public safety and national security.

4.   CONCLUSION

From the description that has been described in previous chapters, a conclusion can be drawn as follows:

a. The level of non-military Defense capability in dealing with the threat of the Covid-19 virus in the province of Bali as measured by five variables, including: Policies/regulations with an average score of 3.6; Early alert with an average score of 3.9; State defense with an average score of 3.9; Technology capability with an average value of 3.7 and budget support with an average value of 3.5, when analyzed using One Way Anova, with the calculation results that Fcount = 8.8786 and Ftable = 2.5572 , then Fcount from Ftable, meaning that Ho is rejected and Ha is accepted. This can be interpreted that there is a significant difference between the average sub-variables in strengthening the ability of non-military defense to deal with the threat of the Covid-19 virus. By looking at the value of budget support for strengthening non-military capabilities in the province of Bali in dealing with the threat of the Covid-19 virus, it is 3.5; the role of local governments is needed in supporting the tourism industry which is heavily affected by the decline in the number and activity of tourism.

b. In order to realize the strengthening of non-military defense capabilities to deal with the threat of the Covid-19 virus in the province of Bali to improve national defense, various priority steps are needed which include: formulation of appropriate policies/regulations to support strengthening of non-military defense capabilities, establishing institutions to handle strengthening non-military defense capabilities, increasing ability to analyze government officials on potential non-military threats, increase knowledge of government officials to increase non-military strength, integrate training activities for early detection of non-military threats and realize effective budget support to provide treatment, examination (Testing) and tracking (Tracking) for victims of Covid-19 19 as well as budget support for the procurement of personal protective equipment (PPE),

medicines and equipment used for handling the Covid-19 pandemic. Targeted budget support to affected communities will provide effectiveness in preventing the spread of the Covid-19 pandemic in the province of Bali.

c. The strategic steps needed to support strengthening the capability of non-military defense in dealing with the threat of the Covid-19 virus in the province of Bali can be carried out with various key activities by planning legislation for policy/regulatory making to support strengthening non-military defense capabilities, increasing the ability of government officials to analyze phenomena and symptoms that can disrupt the safety of the nation, restructuring the BNPB institution so that it has a scope of tasks in tackling various non-military threats and increasing public capacity and awareness of non-military defense. Activities to improve the accuracy and accuracy of the results of the analysis of various threats to national safety by BIN will contribute to the government being able to take appropriate policies to mitigate and prevent risks to national safety and security.

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The Effect of Tabata Training and High-Intensity Interval Training on Agility Improvement

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ABSTRACT : The main goal of every athlete is to reach the highest peak of achievement or become the first champion in every sporting event. However, one of the most supportive factors to become a champion in every match is an excellent physical condition, for that it takes the proper training according to the target, such as Tabata Training and High-Intensity Interval Training which is the appropriate form of exercise to improve the components of physical condition. This study aimed to analyze the difference in the effect of more effective exercise on increasing agility. This study uses a "randomized group pretest and post-test design". The population in this study were male students of the 2016 PKO FIO UNESA Study Program, amounting to 100 people. The sampling technique used random sampling with a sample of 30 people, divided into three groups, namely the Tabata Training group, High-Intensity Interval Training and the control group. This type of research is quasi-experimental, with a quantitative approach. Data were collected by measuring technique using a side step test tool to measure agility. Data were analyzed using the MANOVA technique, using 0.05. The results showed that the effect of Tabata training on increasing agility with a value of $p = 0.000$, then the effect of high-intensity interval training on increasing agility with a value of $p = 0.000$. The two exercises turned out that high-intensity interval training was better than Tabata training in increasing agility.

KEYWORDS: Tabata Training, High-Intensity Interval Training, Agility

INTRODUCTION

The development of sports in Indonesia every year must experience changes with the addition of new sports such as petanque, hang gliding, aeromodelling, and so on; these sports require extra energy and require maximum concentration and physical condition. There are various factors to produce ultimate physical condition: Tabata training and high-intensity interval training. In this case, Sumpena (2017) explains that the Tabata Training method is a method that utilizes the ratio of exercise and rest (pause with high intensity). As for implementing this training method, the details are 20 seconds of exercise activity and 10 seconds of rest, which is repeated until the 4 minutes has run out for one type of movement. Meanwhile, Embert (2013) states that by practising using the Tabata Training method, it is highly recommended to do it 2-3 times a week with a gap of 48 hours to 72 hours between sessions.

Therefore, Tabata training is a method that is expected to impact increasing anaerobic and aerobic abilities significantly and significantly reduce fat levels in the human body. In addition to Tabata training, other exercises can improve maximum physical condition, namely high-intensity interval training. According to their research (Pinillos, Hermoso, and Roman, 2016), training based on High-Intensity Interval Training conducted 2 to 3 sessions per week showed an improvement in the performance of running athletes due to increased endurance and VO2max. High-Intensity Interval Training can improve the heart's performance, which has an impact on the body's metabolism, which also increases sharply.

Metabolism is concerned with the body's ability to convert fat into energy. In addition to increasing metabolism during exercise, it also increases so that the body remains in a condition of burning fat in a resting state. In line with that, High-Intensity Interval Training is very effective in improving one's VO2Max capacity. According to Sheykhlouvanda et al. (2016), a 3-week low-volume High-Intensity Interval Training (approximately 6 or 9 minutes per session) was associated with increases in VO2Max, VO2 Max volume, and percentage VO2 Max. According to Miramonti et al. (2015), within four weeks, High-Intensity Interval Training can increase Physical Working Capacity at Fatigue Threshold or physical performance capacity at one's fatigue threshold. Another advantage of High-Intensity Interval Training is that, in addition to increasing fat burning, High-Intensity Interval Training can maintain muscle mass so that muscle is not lost along with burning fat. High-Intensity Interval Training is very suitable for those who are running a cutting fitness program.

High-Intensity Interval Training is very effective to improve the performance of the desired physical components. In addition, one of the other advantages of High-Intensity Interval Training is the problem of training time. One training session of High-Intensity

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Interval Training is enough to spend 20-25 minutes. In contrast to endurance training which can take twice as long as that. Another study conducted by Roy (2013) entitled High-Intensity Interval Training: Efficient, Effective, and a Fun Way to Exercise: Brought to you by the American College of Sports Medicine revealed research data showing that the accumulated time spent in high-intensity exercise determines the physiological benefits. So besides being physiologically beneficial for the body, High-Intensity Interval Training is also suitable for people who are busy and don't have much time to exercise outside the home or go to a sports centre, because High-Intensity Interval Training can be done at home and not at home. It needs to take a long time.

METHOD

This type of research is quantitative while in terms of the objectives of this research, including applied research. In contrast, in terms of the methods used in this research, including quasi-experimental research (quasi-experimental), the treatment group was measured by providing training methods in the form of Tabata Training and High-Intensity Interval Training to increase agility.

RESULT AND DISCUSSION

The results of the agility measurement test data with the number of samples n = 30 were carried out before and after treatment (Tabata training and High-Intensity Interval Training). The description of the results of the average and standard deviation (SD) data can be seen in the table as follows:

Table 1 Description of agility test results (multiple)

Variable	Average ± SD (multiple)		
	Tabata	*High Intensity Interval Training*	control
Pretes	29,20 ± 5,96	30,00 ± 6,32	30,70 ± 5,81
Post test	32,00 ± 5,98	35,40 ± 5,19	31,80 ± 5,16

The description of the results of agility measurement data in the table shows the pretest results in the Tabata Training group of 29.20 ± 5.96 times, the High-Intensity Interval Training group of 30.00 ± 6.32 times and the Control group of 30.70 ± 5.81 times. Then after the treatment (exercise), a post-test was carried out, and the results obtained increased in the Tabata group by 32.00 ± 5.98 times, the High-Intensity Tninterval Training group by 35.40 ± 5.19 times and the Control group by 31.80 ± 5,16 Times. For more details, a description of the power variable is presented in the following figure.
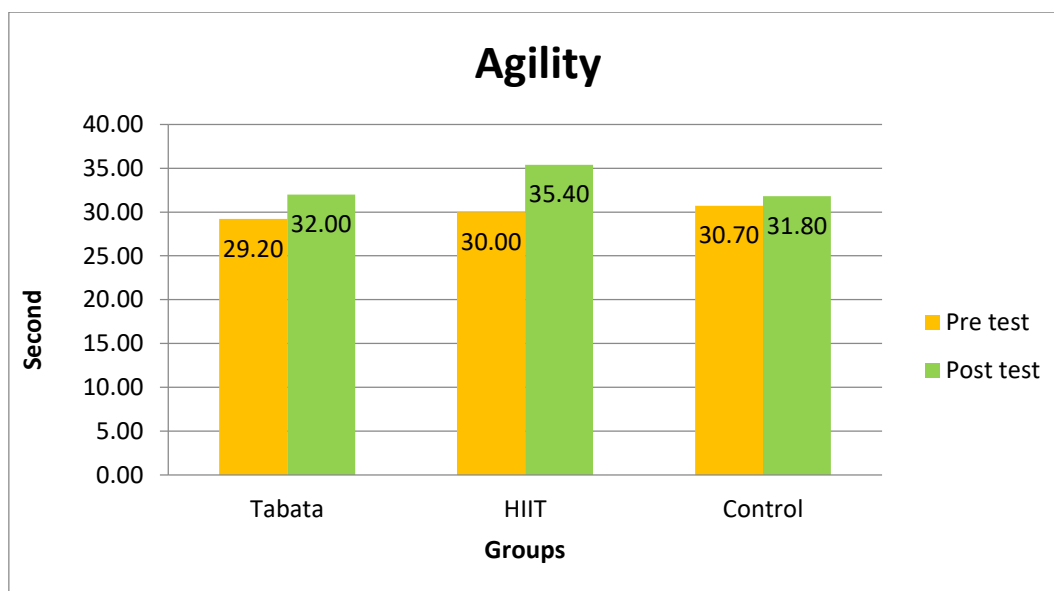
Figure 1: Average Agility before and after treatment in the Tabata, High-Intensity Interval Training and Control groups.

3. Post Hoc Test

After the Manova test was carried out, a post hoc test was carried out using the LSD test on the strength and speed variables. The results of the post hoc test can be seen in the following table.

Table 3. The results of the post hoc test of the agility variable.

Dependent *Variable*	(I) Group	(J) Group	Sig.

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Agility	*Tabata* (K1)	K2	0,000
		K3	0,000
	High-Intensity Tnterval Training (K2)	K3	0,000

P<0.05, there is a significant difference

The results of the LSD test on the agility variable showed that there was a significant difference between the Tabata group and the High-Intensity Interval Training group (p=0.000), the Tabata group and the Control group (p=0.000), the High-Intensity Interval Training group and the Control group (p=0.000).

Furthermore, the results of the LSD test on the speed variable showed that there was a significant difference between the Tabata group and the High-Intensity Interval Training group (p=0.000), the Tabata group and the Control group (p=0.000), the High-Intensity Interval Training group and the Control group (p=0.000).

CONCLUSION

Based on the results of data analysis of research, there is a significant effect between Tabata training and high-intensity interval training on increasing agility. The exercise that is more effective in increasing agility is high-intensity interval training compared to Tabata training.

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Synergy of TNI and BNPB in Management Earthquake and Tsunami Disaster in Palu Indonesia

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ABSTRACT: In 2018, a natural disaster occurred in Palu, Central Sulawesi which caused losses both in the number of victims and damage to infrastructure. Natural disasters that occurred in the city of Palu occurred in three types of disasters, namely, earthquakes, tsunamis and liquefaction. The TNI as a form of implementing OMSP TNI, is responsible for being involved in disaster management efforts, together with BNPB. One of the implementing elements of the TNI in carrying out natural disaster management operations is the PRCPB TNI. However, there are still several things that need to be optimized and coordinated from the synergy between the two institutions, namely optimizing the synergy with other ministries/agencies and agencies, the composition of the troops, and the limited facilities and infrastructure. The theory used in analyzing these problems is the theory of synergy, theory of disaster management, role theory, theory of state defense and theory of TNI involvement in Disaster Management. With descriptive qualitative research method, research data were collected through in-depth interviews and documentation studies. Based on the results of the study, the disaster that hit Palu city and several other areas of Central Sulawesi showed that local government authorities also did not fully understand the flow and procedures for dealing with disasters quickly. When a disaster occurs, both the government and the community are not prepared. The government through the BNBP, BPBD, and TNI sent aid personnel in the context of disaster management in Palu City in 2018. In particular, the TNI through PRCPB, several units have sent troops to carry out humanitarian missions according to the mandate of Law Number 3 of 2002 concerning National Defense and Law Number 34 of 2004 about the Indonesian National Army. The synergy between the TNI and various parties from BNPB, BPBD, and the Regional Government in Palu City is going well. However, overlapping tasks in the field, sectoral egos still often occur. The synergy model between the TNI and BNPB is to establish a disaster center so that gaps and problems of command, cooperation, communication and coordination and other problems can be overcome.

KEYWORDS: Synergy, BNPB, TNI, Natural Disaster Management, Palu, Indonesia

1. INTRODUCTION

Indonesia as one of the countries that has the highest level of natural disaster risk in the world (high risk disaster country), has a position between three world tectonic plates, namely the Indian-Australian oceanic plate, the Pacific oceanic plate, and the Eurasian continental plate. The meeting of three active plates that occurred resulted in Indonesia having complex geological and geomorphological conditions (Dipua, 2021). Geologically, this has an impact on the high potential for tectonic earthquakes, landslides and tsunamis. This is due to the interaction of tectonic plates which can cause tidal waves when they occur in the ocean. Faced with a coastal area that is directly opposite the Indian Ocean and the Pacific Ocean, Indonesian territory has a very high risk of experiencing a tsunami. Indonesia's position is also in the ring of fire with the highest number of active volcanoes in the world (Suhirwan, 2019). There are approximately 80 volcanoes, stretching from west to east. The impact that will occur is very large on the potential for volcanic eruptions and volcanic earthquakes. Indonesia is also experiencing the phenomenon of climate change as a result of global warming which has an impact on extreme climate change. This triggers flooding, flash floods, and erosion in some areas (Aref, 2021).

In the research conducted by the researcher, the research locus will be focused on the occurrence of the 2018 earthquake and tsunami in Palu-Donggala. Damarjati, D. (2018) in his news article informed that on September 28 2018, Palu and Donggala were rocked by an earthquake with a magnitude of 7.4 with the epicenter at a depth of 10 km, the distance is 27 km northeast of Donggala. Furthermore, the Meteorology, Climatology and Geophysics Agency (BMKG) activated tsunami early warning, alert status for west Donggala coast and alert for northern Donggala, Mamuju, and western Palu City. A tsunami as high as 6 meters with a speed of 800 km/hour hit Talise Beach, the wave height reached a high billboard near the beach. As of October 20, 2018, the death toll from the earthquake, tsunami and liquefaction in Central Sulawesi reached 2,113 people, of which 1,703 people were in Palu City. A total of

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4,612 people were seriously injured. There were 223,751 people displaced at 122 points. According to BNPB's year-end records, the death toll was updated. The death toll was 2,101 people, 1,727 of them in Palu City, 188 people in Sigi, 171 people in Donggala, 15 people in Parigi Moutong, 1 person in Pasangkayu. The victims lost as many as 1,373 people. There were 4,438 people injured. A total of 221,450 people were displaced. The impact of losses is Rp. 2.89 trillion, the impact of damage is Rp. 15.58 trillion. (Damarjati, D., 2018).

Problems or gaps in the field in the implementation of disaster management carried out by the TNI and BNPB are related to regulations, both Law No. 34 of 2004 and Law No. 24 of 2007 which have not been able to clearly regulate the implementation, cooperation and budget between the two agencies. Furthermore, the capabilities and strength of the TNI and BNPB are still limited, both in terms of human resources, defense equipment, Sarpras and the software they have (Ali, 2021). Besides that, good coordination, communication and cooperation between the TNI and BNPB in the field has not yet been realized, so that sectoral egos appear and seem to work alone. From the problems/gaps above, it is indicated that the synergy between the TNI and BNPB in disaster management has not been implemented properly so that strategic steps are needed to realize a strong and harmonious synergy between the TNI and BNPB. Based on this explanation, this research will observe the synergy between the TNI and BNPB in dealing with the earthquake and tsunami disaster in Palu in order to strengthen the National Defense. Apart from aspects related to disasters, of course the element of synergy in the context of disaster management will be observed regarding the role of the TNI in assisting disaster management activities, especially in Palu in 2018.

2.   THEORY AND METHOD

Synergy between actors of interest is a very important thing in achieving an organizational goal. Just like public administration science which considers administration as a collaboration between two or more people to achieve goals, synergy is also a combination or combination of elements/parts that can produce better and larger outputs when built properly with the stakeholders in it (Najianti in Rahmawati et al. 2014). Synergy between actors of interest is a very important thing in achieving an organizational goal. Just like public administration science which considers administration as a collaboration between two or more people to achieve goals, synergy is also a combination or combination of elements/parts that can produce better and larger outputs when built properly with the stakeholders in it (Najianti in Rahmawati et al. 2014).

Furthermore, Covey, S.R. (2010) explained that synergy is an activity that complements each other and complements differences to achieve results greater than the number of parts per part. Synergy is a collaboration that can be realized when we can synchronize various alternative desires between team members. Synergy as the ability to create amazing results such as new things or alternatives that didn't exist before. Daft, R. D (2002) describes the occurrence of Synergy as a condition that arises when organizational parts interact with each other to produce a greater combined impact than if done alone by each part. It can be understood that Synergy is a combination of several cores/multiple elements that are combined together to give more and better results than when they work alone.

In this study used a qualitative approach. Sugiono (2012) explains that qualitative research is research whose key instrument lies in the researcher, data collection techniques are triangulation, data analysis is inductive or qualitative. Qualitative research is used to examine the condition of natural objects, and the results of the research emphasize meaning rather than generalization. Qualitative research is also research whose approach explores phenomena that cannot be described using numerical or numeric methods. Furthermore, this research was carried out with a phenomenological approach. Kuswarno, E. (2009) describes that this approach seeks in-depth understanding, and seeks to understand the meaning of events and their relation to people who are in certain situations. Studies with a phenomenological approach attempt to explain the meaning of a number of people's life experiences about a concept or symptom (Kusuma, 2021).

3.   ANALYSIS AND DISCUSSION

Disaster management requires speed and determination, this greatly affects the success in handling a disaster that occurs suddenly and suddenly. As explained above that preparedness is very much needed in the context of early handling of disasters, it must be admitted that the TNI is the only institution that is able to be mobilized quickly, both personnel and equipment as pioneers when a disaster occurs. However, what happens is that other agencies such as BNPB, BPBD, Regional Government and others are still often constrained by the deployment of personnel and materials and sometimes bureaucracy which often hinders the speed of movement for disaster management. In addition, the accuracy of providing assistance to victims is not well targeted and slow. It is necessary to increase the synergy of all parties, especially the TNI and BNPB, especially to accelerate disaster management. BNPB should coordinate with BPBD after being declared a national/regional disaster emergency status in accordance with their authority, immediately coordinate with the TNI to jointly deploy personnel and equipment as quickly as possible to disaster-affected areas in order to control the situation in the area. As stated by Pressy, Davis and Rimm (Gunarsa, 2003) which states that acceleration is going faster, the process of accelerating, increasing speed or accelerating the rate of change of speed.

Handoko (2003: 196) the need for coordination depends on the nature and need for communication in the implementation of tasks and the degree of interdependence of the various implementing units. This is also confirmed by Handayaningrat (1985:88)

that coordination and communication are something that cannot be separated. Along with the above statement at the level of coordination and integration in disaster management that has been implemented is still in tatters this is due to the communication system that is not in line besides SOP (standard operating procedure) there is no common standardization among related agencies (Lukman Yudho Prakoso, 2021). Therefore, it is necessary to improve joint SOPs and improve patterns and standards for disaster management nationally which will later be used as guidelines and references for all disaster stakeholders. So that when a disaster occurs, all components of the nation in terms of disaster management use the same standardized SOP and pattern of response, thus communication, coordination and integration as well as a clear line of command to reduce the disaster risk caused

Prijono & Pranarka (1996: 77) state that empowerment has two meanings. The first understanding is to give power or authority, the second understanding is to give ability to or enable. The meaning of the first understanding includes giving power, transferring power or delegating authority to parties who are less / not yet empowered. On the other hand, the second meaning is to provide ability or empowerment and to provide opportunities for other parties to do something (Suryana; 2010). When a disaster occurs, all national and regional resources can be used or mobilized to support disaster management, in accordance with the above statement that the empowerment of personnel, alpal, sarpras and others owned by all stakeholders is used to complement each other, provide benefits and cover all deficiencies in supporting disaster management. which is hitting (Pramono, 2021). Because so far it is still felt very lacking in the empowerment of existing assets to support the success of disaster management. The TNI and BNPB as the leading sector must be able to make an inventory of all national and regional resource assets owned which can be maximally empowered at any time for disaster management. This needs to be strengthened by the existence of an MoU (memorandum of understanding) with each institution, both government and private, so that there will be no more uncertainty in the mobilization of SDN in the future (Kasih Prihantoro, 2021).

According to (Rachmat, 2004:40) "Partnership is a business cooperation relationship with various parties that is strategic, voluntary, and based on the principles of mutual need, mutual support, and mutual benefit. Partnerships that have been built so far are still very minimal, especially with the private sector, even though the private sector has many capable resources to support the implementation of disaster management, so the role of the private sector is very small, while the private sector actually has great potential. The TNI and BNPB work together to encourage, coordinate and carry out socialization to the private sector regarding the partnership mechanism between state institutions and private parties to jointly face a real enemy, namely a disaster in order to strengthen national defense which is the duty and responsibility of all citizens (Nizar, 2021). To answer and improve the synergy between the TNI and BNPB in disaster management, it is hoped that a more applicable synergy model is needed based on evaluation and suitable ideas and ideas to minimize problems that usually arise in every phase of disaster management (Haris, 2019). With the hope that the efforts that have been described can be realized properly, the model offered is essentially perfecting the synergy that has been formed and established to date (Hasym, 2021). The synergy model is to form an integrated joint organization called the Joint Disaster Training Center (Puslatma Disaster) under the Head of BNPB which in general has the following tasks:

a. Organizing disaster courses and training involving all personnel of the TNI, BNPB and designated government and private ministries/agencies so that improvement in the quality and capability of human resources can be realized.

b. Organizing training for trainers to support course and training operations.

c. Organizing post rehearsals and field rehearsals to test HR capabilities and test joint contingency plans

d. Plan and organize Joint Exercises with foreign countries and disaster comparative studies.

e. Plan, create and evaluate curriculum and syllabus of courses and Exercises

f. Organizing workshops and socialization of disaster preparedness in all regions

g. Prepare, foster and mobilize the SRC PB (Fast Response Unit for Disaster Management) in each province to double the capabilities of the TNI PRCPB or the TNI PB Task Force.

h. Organizing the recruitment of personnel to be trained and fill the SRC PB and the crew of the Joint Disaster Training Center. The Disaster Center was formed to unify attitude patterns, action patterns, similarity to disaster SOPs, capacity building for human resources, communication, coordination and the ability to quickly and accurately mobilize SRC PB staffed by all stakeholder personnel who are trained and equipped with disaster knowledge. It also has the aim that the gap between BNPB and BPBD which initially did not have a line of command can be accommodated by the central disaster center and the provincial disaster center.

4. CONCLUSION

Based on the discussion that has been described in previous chapters, it can be concluded as follows:

a. How is the synergy between the TNI and BNPB without neglecting other stakeholders in carrying out the earthquake and tsunami relief in Palu, the TNI sent troops and their defense equipment which are members of the TNI PRCPB which of course cooperates with personnel from BNPB, Central Sulawesi BPBD and other elements. By prioritizing six priority treatments, namely continuing evacuation, searching and rescuing victims, burial of corpses, accelerating the recovery of the electricity network, accelerating fuel procurement, distribution of logistics and food for refugees and accelerating communication networks. The disasters that hit the city of Palu and several other areas of Central

Sulawesi showed that the local government authorities also did not fully understand the flow and procedures for dealing with disasters quickly. When a disaster occurs, both the government and the community are not prepared.

b. The synergy model between the TNI and BNPB in disaster management is applicable to 3 phases of disaster management, but this has not been implemented optimally because it has not been fully implemented in all regions of the country, for example, in disaster mitigation by way of counseling to deal with disasters in the context of community preparedness, it is only implemented in not all regions. . One of the reasons for this is that there is no line of command between BNPB and BPBD, unlike the TNI which has a clear line of command, thus creating gaps and dissynchronization of central and regional programs. So that disaster management in Palu is still not optimal due to the factors mentioned above. Therefore, it is necessary to take a solution to overcome the above constraints, namely the synergy model between the TNI and BNPB by forming a disaster center organization with assigned tasks. So that the implementation of future disaster management can be carried out comprehensively, effectively and efficiently.

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Strategy of Towarding the Strength of Indonesian Navy in Overcoming Violations in the 2nd Indonesian Sea Lane Archipelagic to Achieve theStability of Marine Security in Supporting Military Operations other thanWar (Mootw)

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ABSTRACT: Security in the territorial waters of a country is one of the important elements in maintaining the sovereignty of a country which based on facts on the ground shows that the ALKI II region poses a threat to international shipping where the threats are in the form of smuggling of goods, human trafficking, as well as terrorism and the impact of Malaysia's expansionary politics. is the impact of the non-optimal security in the ALKI II area due to the non-optimal degree of TNI al strength and regulations that are still overlapping in overcoming violations in the ALKI II area, so this study aims to find out how the interoperability between TNI dimensions in the ALKI II area in supporting the sovereignty of the Republic of Indonesia. And how are the efforts in strengthening the strategy of the pattern of operations and deployment of TNI AL forces in the ALKI II region. Then this study uses a qualitative approach with descriptive analysis methods supported by literature studies as a method of data and fact tracking, where based on the results of the study it is known that interoperability between dimensions The TNI in the ALKI II area has not been well integrated and is still running independently and the pattern of operations and deployment of the TNI's combat force is not optimal yet with a centralized and regional nature so that optimization is needed. realizing the stability and security of Indonesian marine waters.

KEYWORDS: TNI AL strength degree, ALKI II, Security Stability, OMSP.

INTRODUCTION

Military Operations Other Than War are operation pattern that conducted by Indonesian Armed Force according Indonesian Constitution Number 34 of 2004 which mention about Duty of Indonesian Armed Force such as conducting Military Operations Other Than War (MOOTW). Towarding the strength of Indonesian Armed Force for conducting military operations against the other nations, but for conducting combatant and non-combatant tasks, such as Humanitarian Assistance and Disaster Relief for national interests, including securing shipping and aviation in the territory of Indonesia.

Correlated with Indonesian territory, Republic of Indonesia is a country that has the largest archipelagic state in the world which has 17,504 islands and there are 92 outermost islands, of which 67 of these outer islands are directly adjacent to neighboring countries as small border islands (Dishidrosal, 2017).

Where referring to the size of the area, Indonesia is one of the 117 countries that have ratified the Convention on the Law of the Sea in Montego-Boy, Jamaica in 1982 and formulated in Law number 17 of 1985 on the ratification of the United Nations Convention on the Law of the Sea (UNCLOS) which is the basis for the formation of the Indonesian Archipelagic Sea Lane.

Among first, second and third Indonesian Sea Lane Archipelagic, 2nd Indonesian Sea Lane Archipelagic is an area that has a large potential for violations that cause interference from other countries, considering that the 2nd Indonesian Sea Lane Archipelagic area is the fastest and safest sea lane for shipping. Because it crosses the sides of West Indonesia and East Indonesia. This happened because of the shallowing in the Malacca Strait which made merchant ships prefer use it for their route.

For 2nd Indonesian Sea Lane Archipelagic, focusing at the existence of a potential threat, for now it still comes from the impact of the Ambalat Block conflict. This is due to a concern about the efforts of neighboring countries or other countries to use the 2nd Indonesian Sea Lane Archipelagic area for the military interests of the armed forces, especially with released of the islands of Sipadan and Ligitan from Indonesia.

On the other side, the presence of abundant natural resources in the waters of 2nd Indonesian Sea Lane Archipelagic such as illegal fishing and other natural resources also increases to the level of vulnerability to law violations. Then if seeing at the

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southern part of the 2nd Indonesian Sea Lane Archipelagic, where the rapidly growing economy in the tourism sector, especially Bali, it also has a negative effect on the possibility of smuggling, human trafficking, as well as terrorism and the impact of Malaysia's expansionary politics (Soedewo, 2015).

On the other hand, related with acts of terrorism in Poso, the water boundary between Indonesia and the Southern Philippines where is areas that are vulnerable to the flow of global terrorist actors, individually and in groups. That is why, 7th Military Area Command, Wirabuana, has collaborated with the Philippine military to tighten supervision of their entry routes through small islands or outer islands on the border of the two countries (Hermawan, 2020).

Cooperation between Indonesia and Philippine security forces includes routine joint patrols and surveillance at immigration, especially to monitor illegal immigrants and suspected persons. In addition to the illegal entry of terrorist actors or groups, (Bakamla, 2018) Indonesian security forces are also increasingly concerned about the entry of weapons and ammunition supplied from extreme groups in the Southern Philippines to Poso, Sulawesi, using the sea route that is part of 2nd Indonesian Sea Lane Archipelagic.

Based on the facts, so far, different types of weapons and explosives have been found used by radical groups originating from separatist actors in the Southern Philippines. In addition from threats originating from the Philippines, threats from state actors come from neighboring countries, as shown by Malaysia, which brave and often commit blatant violations into Indonesian airspace above 2nd Indonesian Sea Lane Archipelagic (Yashuananda, 2018).

One of them happened In January 2015, Malaysia has violated Indonesia's sovereign territory in Nunukan, close to 2nd Indonesian Sea Lane Archipelagic, 2 times in 2020. Violation of the area around 2nd Indonesian Sea Lane Archipelagic, if left unchecked, will increase the threat to Sebatik and Ambalat Islands. Then in terms of threats that come to the area around 2nd Indonesian Sea Lane Archipelagic from illegal fishing activities, the results of the investigation by the Anti-Illegal Fishing Task Force Team of the Directorate General of PSDKP KKP in 2019 revealed that 913 vessels had been arrested for committing various violations.

Likewise, with foreign intervention that can arise due to very dynamic developments in the region, including in the waters of 2nd Indonesian Sea Lane Archipelagic, especially with the fact that the limited capacity and capability of the defense equipment owned makes the level of threat to the security and sovereignty of the region around 2nd Indonesian Sea Lane Archipelagic become high. Meanwhile, efforts to overcome them through conducting exercises and joint operations are not without risk. This is because inviting foreign involvement in joint exercises that have the potential to enter into the territorial waters of the Indonesian Archipelago and does not indirectly provide opportunities for foreign parties to conduct surveillance and data collection on the territory of Republic of Indonesia indirectly.

Based on the research background, the formulation of the problem in this study is as follows : What is the form of interoperability between Indonesian Armed Force branch in the 2nd Indonesian Sea Lane Archipelagic for supporting the sovereignty of Republic of Indonesia? And what are the efforts to enforce the strategy for the pattern of operations and deployment of the Indonesian Navy in the 2nd Indonesian Sea Lane Archipelagic?

References and theories that researchers use in answering and analyzing problem formulations use strategic concepts and theories, as according to Hart (2001) which states that strategy is a mature calculation related to objectives, concepts, and tools in a certain measure by taking into account the existing risks so that can achieve the goal. Strategy is also an art to develop national strength and integrate it with the strategic environment to achieve national goals. The concept will provide guidelines for the state in maximizing its national interest while minimizing threats (Arief et all, 2021).

The existence of a strategy is very important to provide guidance on steps in the development of an uncertain situation. Strategy assumes that the future cannot be predicted but that the strategic environment can be studied and accessed so that it is able to formulate anticipatory steps. Yarger (2006) adds that strategy is implemented by applying ends, ways, and means in a strategic environment to achieve the desired goals.

Furthermore, to sharpen the analysis, the supporting theory used is to use the Naval Diplomacy Theory, where according to Booth (2014) which states that naval diplomacy can be used to increase the influence of a country in the selection of cooperation offer options. This type of diplomacy can even be used by showing that strength as a supporting element, or a power that represents a particular task that the state has assigned to the navy (Booth 2014). According to Booth (2014) navies around the world universally have 3 roles known as the "Trinity of Naval Roles" consisting of the military role, the police role and the diplomatic role.

According to Booth (2014), Naval diplomacy essentially applies if the power used in the operation is relevant, in the sense that it really has an influence on the prestige to be achieved. Identification of the quantity and quality that determines the appropriateness of the Maritime Task Force Indonesian Armed Force as naval diplomacy is important considering the impact of naval diplomacy can have different meanings (Angkasa Dipua et all, 2021).

And as a supporter of the theory that has been described previously, as a supporting theory the author uses maritime security theory, As According to McNicholas (2008), maritime security is the steps taken by owners, operators, administrators of ships, port facilities, offshore installations, and maritime organizations to protect marine areas from piracy, sabotage, confiscation, theft, and

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other disturbances where the majority of threats that occur within the scope of maritime security are non-traditional threats such as maritime terrorism, separatism, radicalism that leads to communal conflicts with the sea as the medium, social unrest among sea users, piracy and piracy at sea, illegal immigrants, illegal fishing and logging, and smuggling and marine pollution (Suhirwan et al, 2020).

Then according to Siebels (2020) which states that maritime security is a general term that is informed to classify issues in the maritime domain that are often associated with national security, the marine environment, economic development, and human security. territory, rivers and ports. The term maritime security varies and while there is no internationally agreed definition, the term is often used to describe new existing regional and international challenges, and regional challenges to the maritime domain (Kasih Prihantoro et all, 2019).

In the other hand, other supporting theories used in writing this research are Strength and Capability Planning Theory, as mentioned by Bartlett (1990) which states that military strength and capability planning has determined four combat capabilities, consisting of : State of readiness, including the readiness of personnel, training, equipment and maintenance, is needed to maintain the preparation of our forces to be deployed. Logistics, includes the maintenance of ammunition lists, spare parts, fuel and other items that can provide our strength capabilities to prolong the battle (Lukman Yudho Prakoso et all, 2021). State of modernization, includes equipping our forces with more capabilities by improving weapons facilities and techniques and Force structure, including the number and arrangement of aircraft, troop battalions and troop transport ships.

RESEARCH METHODS

The research method used by the researcher using qualitative research. Qualitative research is research that intends to understand the phenomena of what is experienced by the research subject, such as behavior, perception, motivation, and action, holistically, and by way of description in the form of words and language, at a special context that is natural and by utilizing various natural methods. Qualitative research is a research method used to examine the condition of natural objects (Moleong, 2012)

Qualitative approach is research that is used to examine the condition of natural objects, (as opposed to experiments where the researcher is the key instrument, data collection techniques are carried out by triangulation (combined), data analysis is inductive and the results of qualitative research emphasize meaning rather than meaning. generalization (Sugiyono, 2015)

From the background of the research the author assumes that this research is more appropriate if using qualitative research as a method in carrying out research. This is because qualitative research is research on descriptive research and tends to use analysis. Process and meaning (subject perspective) are more highlighted in qualitative research (Miles, 1992). The theoretical basis is used as a guide so that the research focus is in accordance with the facts on the ground. In addition, this theoretical basis is also useful for providing an overview of the research background and as a material for discussing research results.

RESEARCH RESULTS AND DISCUSSION.

Forms of interoperability between Indonesian Armed Force Branch in the 2nd Indonesian Sea Lane Archipelagic in support of the sovereignty of Republic of Indonesia.

According to Bartlett (1990) in the theory of Strength Planning, it is stated that the planning of military forces and capabilities, has determined 4 combat capabilities, consisting of: Readiness, including the readiness of personnel, training, equipment and maintenance, is needed to maintain the preparation of our forces to be deployed. Sustainability, includes the maintenance of capabilities, especially in training for elements of defense and resilience. Modernization, includes equipping our forces with more capabilities by improving weapons facilities and techniques and Force structure, including the number and arrangement of aircraft, troop battalions and troop transport ships.

Referring to this theory, it is correlated with the form of interoperability between Indonesian Armed Force Branch in the 2nd Indonesian Sea Lane Archipelagic in supporting the sovereignty of the Republic of Indonesia, in compiling the degree of strength, approaches are needed as units of analysis, namely aspects of Readiness, Sustainability, Modernization and Structure which is correlated with the facts on the ground, the expected conditions are as follows

The first aspect of readiness. The conditions and capabilities of the Indonesian Armed Force personnel that are expected are as follows, namely the readiness of integrated soldiers. Where the realization is the readiness of soldiers from each dimension that has been integrated (already have the capability to conduct the security procedure) where this is an implementation of the routine training of each branch. The improvement of the ability of soldiers includes intelligence, mental, ability and skill qualities in order to be able to observe every development of the strategic environment and changes in social development that can endanger the life of the nation and state. As for increasing resources to have optimal abilities, it is necessary to carry out education to improve the capabilities of these human resources, structuring a career coaching system to provide multilevel and continuous assignment experience as well as revamping the coaching system for the implementation of targeted training in order to increase critical, responsive and anticipatory power. to improve the knowledge and skills of soldiers in the field.

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Integrated Strength Degree Readiness. The strength title is a non-sectoral strength title where each branch has allocated its strengths to be integrated into a single operation, where the Indonesian Navy as the leading sector is expected to build adequate strength. At a minimum, what is currently available in the form of a "B" type Naval Base Lanal can be upgraded to a Main Naval Base that equipped with ship units capable of providing a deterrent effect to the enemy such Frigate, Submarine and fast patrol boats equipped with modern weapons. Therefore, it is hoped that the construction of a submarine dock and a ship dock must be realized immediately. In addition, the ability of the Marine unit is also expected to be further enhanced. From what is currently a Marine Battalion, in the future it is hoped that a Marine Brigade-level force can be built, equipped with various supports in carrying out their duties.

Then in the aspect of sustainability conditions that are expected to support the title of integrated Indonesian Armed Forces in the 2nd Indonesian Sea Lane Archipelagic are as follows: conducting routine exercises with related elements. To make personnels who are professionally trained and have optimal abilities, it is necessary to hold a continuous, gradual, graded and continuous training in accordance with the Indonesian Armed Force training cycle starting from individual training, unit training, training between units in one branch to joint training between forces which is carried out routinely and regularly. The expected budget in order to optimize tasks on an ongoing basis so that it can be optimally implemented is not only carried out not only when the country is experiencing threats but when the country is in the preparation stage to face military operations in order to create an integrated budgeting for the defense sector of Republic of Indonesia in the 2nd Indonesian Sea Lane Archipelagic.

Then in the aspect of modernization to overcome the warships currently owned, some are still using old technology including sensing systems and weapons that require upgrades in several areas in 2nd Indonesian Sea Lane Archipelagic.

Strategy The pattern of operations and deployment of the Indonesian Navy in the ALKI II area.

Regarding the strategy, in overcoming security threats in the sea area, several things that the Indonesian navy can do in the 2nd Indonesian Sea Lane Archipelagic are the ability to control the interests of the state in the sea area and the ability to control the sea area, so that to make it happen, several efforts can be described, as follows, first, the pattern of ability to control the interests of the state in the sea area, namely the ability to guarantee the security of the sea area so that all natural resources contained in Indonesian waters can be utilized as much as possible for the prosperity of all Indonesian people. In addition, the government also needs to ensure the safety and security of the shipping of all sea users, especially those passing through the waters of the Indonesian national jurisdiction, in accordance with the rights and obligations that exist in the UN law of the sea (UNCLOS 82) so that they are able to overcome the threat of navigation carried out by foreign ships in the form of sailing around on the route of 2nd Indonesian Sea Lane Archipelagic.

Second, the Navy's strength, which has the ability to cooperate with other countries navies, is expected to be able to prevent and take action against transnational crimes committed by foreign parties or domestic parties who have links with foreign parties, in the form of illegal fishing, illegal logging, illegal oil, illegal mining by sea, illegal entry, sea robbery, smuggling, human trafficking can be resolved.

Third, the ability of the defense equipment system which has a wide reach in securing a wide area of the 2nd Indonesian Sea Lane Archipelagic, this can be done by conducting a defense equipment procurement program to meet the needs of the Navy defense equipment to increase marine security patrol operations, including the procurement of warships from abroad or the construction of warships. in the country. In the program, for the procurement of defense equipment, the national defense industry is still prioritized, while for the procurement of defense equipment from abroad, it is sought to be accompanied by a transfer of technology (ToT) program in order to build the independence of the domestic defense industry in the future. This is done so that the domestic defense industries can become one of the competitors in the defense industry at the international level, so that they are able to overcome the occurrence of Military Campaigns from other countries, as well as violations across territorial waters by demanding the right of peaceful passage in the sea outside the Indonesian Sea Lane Archipelagic.

The next strategy is the Pattern of capabilities in controlling marine areas which can be implemented by first integrating all branchs and institutions that have authority in Indonesian marine areas that are able to operate in an integrated manner, as a form of deterrence or deterrence. Indonesian Armed Force's strength in the 2nd Indonesian Sea Lane Archipelagic must be designed to overcome the length of the command line as well as being faced with the coverage area in the context of mobilizing and using TNI forces in responding to various forms of threats quickly in the area or area of responsibility.

Second, Optimizing Marine Security Patrol to the outermost islands in the 2nd Indonesian Sea Lane Archipelagic. The Maritime Security Patrol presents Indonesian warships (KRI) throughout the 2nd Indonesian Sea Lane Archipelagic, including on remote islands, in addition to conduct routine patrols in order to enforce security at sea, it is also intended to show the seriousness of our country in defending every drop of water and inch land from foreign interference (deterrence effect). However, the "Flag Exhibition" or show of flag as above must not only be interpreted as a coercive action but is a naval diplomacy and thirdly build and implement an integrated Command and Control System between the three branchs operating in the 2nd Indonesian Sea Lane Archipelagic. It must implement the Network Centric Warfare (NCW) concept which integrates all sensors, communication facilities

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and information technology into a system so that the Commander in Chief can make effective decisions, as shown in the figure and the material for the detection area coverage must be able to reach the entire surveillance area up to a minimum range of 390 NM and can support all bases in the route of 2ⁿᵈ Indonesian Sea Lane Archipelagic.

Then related to the aspects of defense diplomacy that are expected to be as follows: First, Military Diplomacy is increasingly needed to support the implementation of the TNI's strength title in the 2ⁿᵈ Indonesian Sea Lane Archipelagic. There are several important things that need to be considered in optimizing the role of military diplomacy in the 2ⁿᵈ Indonesian Sea Lane Archipelagic, such as equalizing threat perceptions, forms of military cooperation in there and the implementation of military diplomacy carried out by the Indonesian Armed Force as a means of conflict prevention (preventive diplomacy). And secondly, the implementation of preventive diplomacy that leads to conflict prevention must be built by putting aside mutual suspicion or by increasing Confidence Building Measures (CBM), especially with countries bordering and close to 2ⁿᵈ Indonesian Sea Lane Archipelagic. Indonesian Armed Force personnel who involved in the negotiating delegation are able to act as diplomats and are quite adept at playing themselves in military diplomacy. Able to take advantage of bargaining position and have the ability to influence decision makers.

CONCLUSIONS, RECOMMENDATIONS AND LIMITATIONS
From the results of the research that has been done, the following conclusions can be drawn:

1.   Based on the indicators of interoperability between Indonesian Armed Force branchs in the 2ⁿᵈ Indonesian Sea Lane Archipelagic in supporting the sovereignty of Republic of Indonesia, it can be concluded that interoperability between them in there has not been well integrated and is still running independently. The current condition and capability of the Indonesian Navy in overcoming violations in 2ⁿᵈ Indonesian Sea Lane Archipelagic area has been running but still needs improvement in terms of readiness and the number of elements being held. It is necessary to increase the ability of bases around 2ⁿᵈ Indonesian Sea Lane Archipelagic in carrying out support for operational elements, especially support for maintenance and availability of fuel (HSD). There is still a delay in information being received by each branch, and they are still carrying out its own operations without involving other branchs, then in terms of aspects the software that is owned is not optimal in regulating the preparation of an integrated Indonesian Armed Force units in the2ⁿᵈ Indonesian Sea Lane Archipelagic. This can be seen in the fact that the function of software is in securing the 2ⁿᵈ Indonesian Sea Lane Archipelagic. The software is now able to support relevant stakeholders in securing and overcoming violations in the 2ⁿᵈ Indonesian Sea Lane Archipelagic, it's just that continuous coordination is needed so that synergy is achieved in maintaining security stability throughout 2ⁿᵈ Indonesian Sea Lane Archipelagic in order to uphold the law and uphold the sovereignty of Republic of Indonesia.

2.   Based on the efforts in the Strategy for the pattern of operations and deployment of the Navy's forces in the 2ⁿᵈ Indonesian Sea Lane Archipelagic, it can be concluded that the pattern of operations and deployment of the Indonesian Armed Force's combat forces is not yet optimal with the nature of centralized and regional titles. This can be seen in the current deployment of theircombat forces in the 2ⁿᵈ Indonesian Sea Lane Archipelagic, especially the Navy, which is faced with the length of the 2ⁿᵈ Indonesian Sea Lane Archipelagic route and the number of ships passing through 2ⁿᵈ Indonesian Sea Lane Archipelagic, problems and patrol areas that are still not optimal due to the degree of Navy strength operating in the area. There is still little cooperation and coordination with other parties in security in the 2ⁿᵈ Indonesian Sea Lane Archipelagic area, then the diplomatic ability of the Indonesian Armed Force as an element of national defense is still weak. For now, the diplomacy carried out by them is more focused on the role of the Indoneisan navy, in this case the elements of the 2ⁿᵈ Fleet of Command to deal with problems in 2ⁿᵈ Indonesian Sea Lane Archipelagic. This is of course related to the diplomatic role of the Indonesian Navy. The role of the Indonesian Air Force can be seen in the involvement of elements of the Indonesian Air Force in joint operation of securing 2ⁿᵈ Indonesian Sea Lane Archipelagic. The Indonesian Army as a friendly force which includes 6ᵗʰ Military Area Command (Kodam VI/Mlw), 9ᵗʰ Military Area Command (Kodam IX/Udy), 13ʳᵈ Military Area Command (Kodam XIII/Mdk) and 14ᵗʰ Military Area Command (Kodam XIV/Hsn) and their staff carry out counter-operations in their respective areas of responsibility.

3.   Based on the conclusions on the results of the research on the strategy of the title of the Navy's strength in overcoming violations in the 2ⁿᵈ Indonesian Sea Lane Archipelagic in order to realize the stability of water security in order to support Military Operations Other than War, the suggestions that researchers can put forward are the efforts that need to be done, among others, the President of the Republic of Indonesia needs to facilitate the Ministry of Defense for the construction of an independent satellite system that is projected specifically to support the country's defense system. As Alfred Thayer Mahan's Sea Power Theory which explains that it is necessary for the state to have the ability to control the function of the sea area it owns. in tracking violations in the sea area will be maximized so that the state has flexibility in exercising control over the sea area.

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Information System Interoperability Strategy to Support Command and Control of Border Security Operations in the North Natuna Sea

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ABSTRACT: In order to maintain the superiority of effective control over the entire territory of Indonesia, especially in disputed areas, Indonesia through the Indonesian National Armed Forces (TNI) conducts Border Security Operations between countries. The purpose of this study was to analyze the interoperability of the TNI information system in the Border Security Operation in the North Natuna Sea and the TNI information system interoperability strategy to support the Border Security Operation code in the North Natuna Sea. The method used in this research is descriptive qualitative data through observation, interviews and documentation. The findings of this study are that the information system, both software, hardware, and brainware is not optimal in responding to threats at the border. Regulations at the technical level are not yet precise, flexible, interoperable, besides that there are different regulatory perceptions between forces, there is no standardization of regulations, as well as sectoral egos. Blueprints and grand strategies are mandatory, as well as knowledge management in determining priorities, coupled with the use of artificial intelligence in the TNI information system to realize the efficiency of TNI information system personnel.

KEYWORDS: interoperability, Border Security Operations, North Natuna, TNI

INTRODUCTION

The sovereign territory of an archipelagic state, one of which is regulated in the 1982 United Nations Convention On The Law of the Sea/UNCLOS, which states that a country consisting of many islands is limited by drawing a line between the outermost islands so that the waters within it. Besides that, 12 Nm from the outermost island boundary is the territorial area of the country concerned and 200 Nm is the EEZ (Exclusive Economic Zone) where the area is the authority of a country to utilize its natural resources (Arief et al, 2021). The continental shelf of a coastal State may not exceed the limits as specified in Article 76 paragraphs 4 to 6 of UNCLOS 1982 (UNCLOS, 1982), it turns out that there are several border areas that are still being debated. Territorial boundaries with the Philippines have been well resolved, but maritime boundaries with nine other countries are still in the process of negotiation between countries. The character of the border area which is still a territorial dispute between countries has more strategic value such as major international shipping lanes and is rich in natural resources such as the Andaman Sea, the Malacca Strait, the Singapore Strait, the North Natuna Sea or the South China Sea, the Sulawesi Sea and the Arafuru Sea. In 2011, the Philippines filed a North Natuna Sea lawsuit to the arbitration court in The Hague, Netherlands. However, hearing the lawsuit from the Philippines, China could not reject the lawsuit and finally the Arbitration Court decided that the Philippines won the lawsuit and China lost the lawsuit (Arto et al, 2019). Six years later in 2017, a new dispute arose in the North Natuna Sea where the Indonesian state claimed the sea area as its territory and changed its name to the North Natuna Sea. However, again the Chinese state did not accept this, so the Chinese state lodged a protest against the Indonesian state (Novianto Rizal Dwi, Pratama Nauval Adi 2020).

Figure 1. North Natuna Chart
(**Source:** Jurnal Maritim, 2018)

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The North Natuna area is considered an area of very strategic value, however, the North Natuna Sea is an area with a high level of vulnerability regarding Illegal, Unreported, and Unregulated (IUU) violations, especially IUU fishing violations. Not to mention in the national airspace and especially in Natuna, there are many aviation violations that are also carried out by foreign ships. This vulnerable condition is increasingly vulnerable due to China's claims regarding the South China Sea territorial area, known as the Nine Dash Line. In this unilateral claim, the territory of Indonesia is included, where the Chinese state recognizes the northern region of Natuna as part of its territory (Angkasa Dipua et al, 2020).
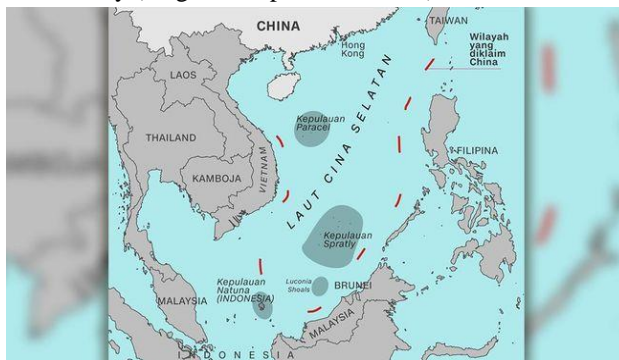
Figure 2. China's "Nine Dash Line" Concept
(**Source:** cnn Indonesia, 2015)

CNN Indonesia recently reported that on April 8, 2021, an F18 Hornet fighter belonging to the United States passed over the Natuna waters as a result of the heating up of the South China Sea conflict conditions. Not only once, this violation by foreign aircraft often occurs, the National Defense Command at least noted that there were more than 800 violations that occurred in the national airspace and most of them were detected passing over Natuna waters (Harris et al, 2019). The number of violations committed in the North Natuna marine airspace recorded in 2019, is presented in the following table;

Table 1. Number of National Airspace Violations in 2020

NEGARA	JAN	FEB	MAR	APR	MEI	JUN	JUL	JUMLAH
SINGAPORE	177	119	161	112	123	126	30	848
CAYMAN								
PRANCIS								
FHILIPINA								
MALTA				1				1
AUSTRALIA			1					1
USA	1	6	1	1	2	2		13
ETHIOPIA								
NEW ZEALAND								
THAILAND								
SAN MARINO								
JEPANG								
SWISS								
QATAR			1					1
CHINA								
FILIPINA			1					1
BERMUDA								
X								
TOTAL	178	125	165	114	125	128	30	**865**

(**Source:** Data Kohanudnas, 2020)

Table 2. Foreign Aircraft Violations in North Natuna in 2019

1	Singapura	101 planes	3 PESUD F-16, 3 kali oleh 18 Pesud RSAF, 16 dan 60 kali oleh RSAF di MTA2, 2 F-16 dan 2 Heli Sea hawk, 10 kali oleh 43 RSAF
2	Maldives	1 plane	Pesawat sipil A321
3	China	2 planes	Pesawat China (HF-J303), Pesawat China (HFJ304)
4	Australia	1 plane	diduga MRH-90 onboard HMAS Canberra
5	Cayman Island	1 plane	Gulfstream G200 Galaxy

(**Source:** Data Kohanudnas, 2019)

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Meanwhile, data shows that in the North Natuna region, the violation of the maritime border area is quite high. These violations often occur until now and in recent years have not experienced a significant decrease. Koarmada I noted that during 2019 and 2020 several violations in North Natuna were carried out by foreign ships. In detail, these violations are presented in the table below.

Table 3. Violations by Foreign Ships in North Natuna Year 2019 – 2020

2019				2020		
1	Malaysia	3 battleships				9 Battleships
2	Vietnam	1 battleship		1	Malaysia	9 miscellaneous ships
		9 fishing boats				1 fishing boat
3	Amerika	1 battleship		2	Vietnam	2 miscellaneous ships
4	Singapura	1 Government ship		3	India	1 ship
5	China	1 ship CCG		4	China	6 CCG kapal ships
						4 miscellaneous ships

(**Source:** Data Kohanudnas, 2019-2020)

The Border Security Operations held must be well integrated and able to provide information quickly and accurately so as to make it easier for decision-making officials to carry out several important initiatives and anticipatory steps to maintain effective control over disputed areas and prevent effective control over disputed areas by other countries. To realize good integration and coordination, information system interoperability is needed as an optimal support for Border Security Operations (Junaidi et al, 2021).

Interoperability is the ability of a system, unit or force to provide services to and receive services from other systems, units, or forces and use the services that are exchanged to enable them to operate effectively together. While technically, interoperability can be interpreted as a condition achieved between electronic-communication systems or electronic-communication equipment systems when information or services can be exchanged directly and satisfactorily between them and or their users (Kasih Prihantoro et al, 2019).

Advances in information technology in combat have become something vital today because technological developments encourage the creation of modern war. Today's modern war requires all defense equipment to be integrated with the Network Centric Warfare (NCW) system. With equipment that uses sensors and electromagnetic waves, remotely controlled and interconnected automatics will provide effectiveness and efficiency in gathering information and speeding up decision making by the Commander or Commander. Such an advanced communication technology system is capable of realizing interoperability of all operating combat elements. In other words, good communication technology not only increases the effectiveness of the implementation of operational missions, but is also able to optimize the role of defense equipment owned (Kasih Prihantoro & Lukman Yudho Prakoso, 2021).

Hura, et al (2000) stated that at the strategic level, interoperability creates the possibility for the development of integrated work between dimensions. At this level, the main issue in interoperability is the harmonization of views, strategies, doctrines and power structures of each dimension. Interoperability is considered as the willingness/willingness of each dimension to work together in the long term to achieve and maintain common interests in the face of threats.

At the tactical level, Hura et.al (2000) states that interoperability strategies must go hand in hand with interoperability technology to shape the environment, manage crises, and win wars. The advantage of interoperability at the tactical level can be obtained from the equivalence / interchangeability of each element of the dimension. Interoperability reflects the interaction between the organization and the system. The focus of interoperability is on communication and computerization of data, and also involves

technical system capabilities and compatibility between the system and the data owned by each dimension/unit (Kusuma et al, 2021).

The interoperability gap of the TNI information system that supports the implementation of the Border Security Operation that has been described previously is a fact that also affects the security condition of the North Natuna Sea border area. In order to overcome various threats and challenges in law enforcement and border area security, the interoperability of the TNI information system needs to be optimized through appropriate and effective strategies. Based on the description that has been presented, the researcher seeks to examine the interoperability strategy of the TNI information system as support for Border Security Operations in order to provide recommendations to support optimal coordination and synergy of the TNI in conducting Border Security Operations in the North Natuna Sea in order to be able to improve security and maintain state sovereignty, so that drew the title of the research "Interoperability Strategy of TNI Information Systems to Support the Operational Command for Border Security in the North Natuna Sea"

THEORY AND METHOD
Theory
1.   Theory of National Defense Strategy

In accordance with Law number 3 of 2002 article 1, that Indonesia applies a universal war strategy as a national defense strategy. According to Hillestad (2010), the components of the national defense strategy planning can be guided by applying the Revolution Military Affair (RMA). The core responsibility of the Department of Defense is to defend the United States from attack upon its territory at home and to secure its interests abroad. The U.S. Armed Forces protect the physical integrity of the country through an active layered defense. They also deter attacks upon it, directly and indirectly, through deployments at sea, in the air, on land, and in space.

Strategy is also defined as a tool to achieve goals. So that the national defense strategy can be defined as a plan of action involving targets and policies to prevent, protect, and defend national interests from various kinds of violence and attacks by other parties (La Ode et al, 2021).

2.   Interoperability Concept

The Federal Research Division as quoted in (John Kim and Natalie (2020) defines interoperability as the capacity to exchange information between, across people, processes, and negotiations characterized by a common understanding of the information exchanged, this capacity depends on the equipment and integrated resources, agreed and documented procedures, and alignment across cultures, languages, motivations, and politics.

Interoperability cannot be separated from the use of existing technology, as in Presidential Instruction No. 3 of 2003, there are two activities that are directly related, namely;

a. Data processing, information management, management systems and work processes electronically,

b. Utilization of advances in information technology so that public services can be accessed easily and cheaply by people in all regions of the country.
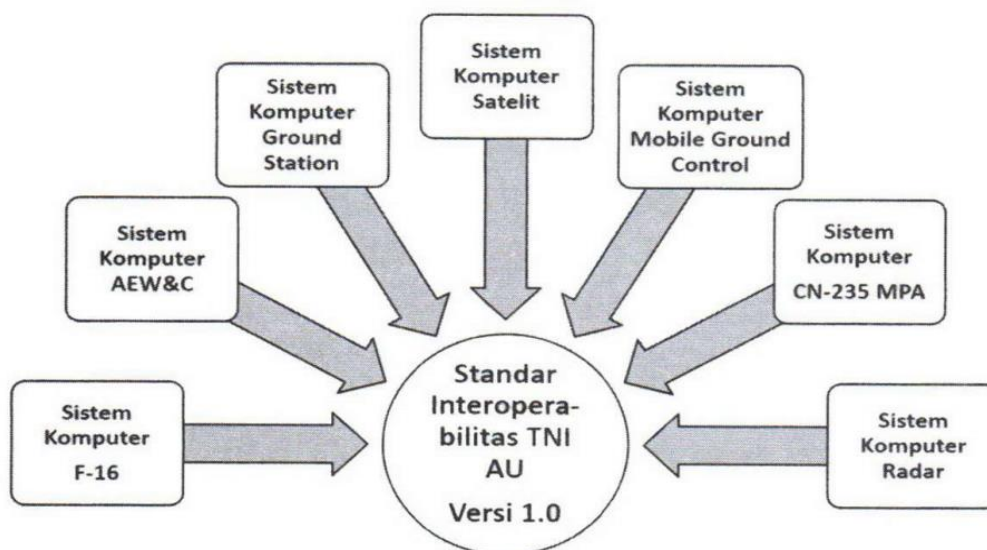
Figure 3. Indonesian Air Force Interoperability Standards as a Reference Document for System Interoperability in the Indonesian Air Force Alutsista

(**Source:** Datumaya Wahyudi. Meraih Interoperabilitas TNI AU. 2017)

However, what needs attention is to understand three things about interoperability well. First, interoperability is not integration. Because basically interoperability changes a freely connected system to be stronger, and the system does not need to be connected all the time because there are times when certain systems will only be used to support certain operations (Muhammad Risahdi et al, 2019). Second, interoperability does not demand homogeneity, meaning that one system and another do not need to be unified because they have similar or similar programmed devices. The use of interoperability theory is to analyze the gap between ideal information system interoperability conditions and real conditions in the field.

3.   The Concept of National Precautions

National vigilance is an attitude related to maintaining and maintaining nationalism. This attitude arises because it is built from a sense of care and responsibility as a citizen from threats to the survival of society, nation and state. As revealed by Joko (2017) that national alertness is a quality of preparedness owned by the Indonesian people to detect, anticipate early and take preventive action against various forms and nature of potential threats to the Unitary State of the Republic of Indonesia.

Figure 4. The Nature of the Threat
Source: Buku Putih Pertahanan Indonesia 2015

National vigilance regarding a functioning national security system, Joko (2017);
a. Fostering legal certainty
b. Fostering peace and order in society
c. Law enforcement and justice
d. Build defense ability
e. Protecting the people from various disasters (natural, intentional, negligent) including the protection of people's rights

4.   National Security Concept

Collins (2003) suggests "The advantage of focusing on identity security is that it enables us to examine 'soft' security matters, such as providing for the reproduction of language and culture through, for instance, education, rather than being solely concerned with the use of force by and against ethnic groups." Al Araf and Ali Abbas, 2007 (Susetyo, 2008, p. 2) In the traditional approach, the state becomes the subject and object of efforts to pursue security interests.

The use of the concept of national security in this research is as a support in providing an overview of the concept of national security. Thus, it is hoped that the information system interoperability strategy to support Border Security Operations in the North Natuna Sea in this study can support the system pattern and the main agenda of national security.

5. Military Campaign Concept

Military campaigns as described in the Decree of the Dansesko TNI Number 363 of 2020 concerning the Manuscript of the Military Campaign Department, are referred to as art that connects battlefield strategy (tactics) with operational strategies designed to achieve both military strategic objectives (national strategy) and military operations objectives. carried out in a predetermined space and time.
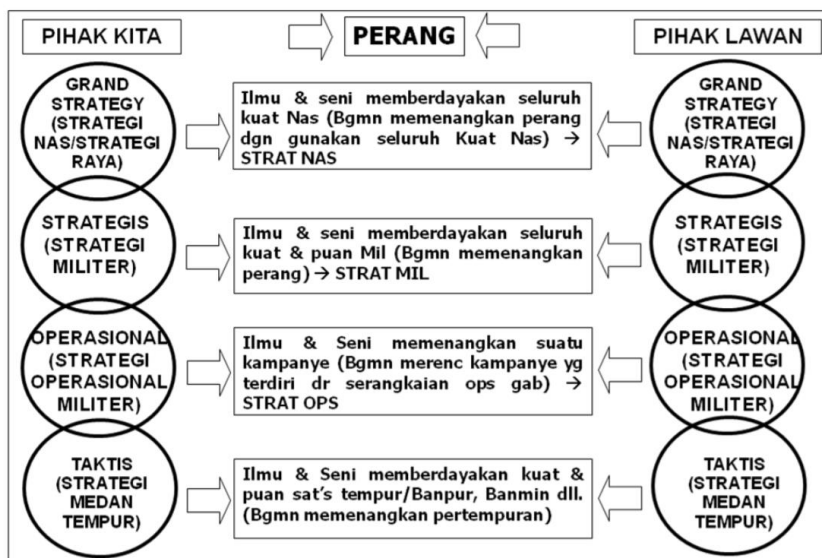
Figure 5. Position of Military Campaign in War Strata
(**Source :** Naskah Departemen Kampanye Militer, 2020)

The formulation of the military campaign cannot be separated from the phenomenon faced, namely the development of enemy scenarios that will invade the Republic of Indonesia. The scenario predictions developed are formulated based on three assumptions, first, namely the interests of military campaigns faced with the possibility of attacking other countries, secondly, namely the interests of military campaigns formulated to face the enemy before invading the territory of the Republic of Indonesia and the third, namely the interests of military campaigns to overcome enemies who successfully invaded and control part of the territory of the Republic of Indonesia. The formulation of the interests of the military campaign is faced with enemy scenarios as shown below.

Figure 6. Military Campaign Scenario
(**Source:** Naskah Departemen Kampanye Militer, 2020)

The use of the military campaign concept in this study is to support understanding and analyzing the components of support in carrying out military operations by the TNI as a strategy and part of the military campaign in border areas, especially in North Natuna.

Methods

The research method in this study used a qualitative descriptive approach. This approach describes and describes existing phenomena, both natural and human engineered. Descriptive research does not manipulate or change the variables studied, does not

give treatment, but describes a condition as it is, and pays more attention to the characteristics, quality, interrelationships between subjects (Syaodih, 2011). Qualitative descriptive data collection was done through observation, interviews and documentation. Then analyze in depth the object of research with the theories and concepts used. Researchers also analyze the core problems and phenomena under study and then provide recommendations for thinking in the form of findings or research results on the problems studied.

This study focuses on the theme of the TNI's information system interoperability strategy, so that the subject is not appropriate if quantified but needs to be translated and interpreted the phenomenon. A strategy is certainly not appropriate if measured through quantification. One of the selections of a descriptive approach is because the phenomenon under study is described as it is and will pay more attention to the interrelationships between the subjects studied.

Purposive sampling technique was used in this study because the informants selected to explain the subject under study were based on a specific purpose. The object of this research is the TNI information system interoperability strategy which includes regulations for supporting TNI information system interoperability, software, hardware and brainware support, as well as problems and obstacles encountered in realizing this interoperability.

DISCUSSION
1. Analysis of TNI Information System Interoperability in Border Security Operations in the North Natuna Sea

Information system problems in Border Security Operations currently lead to border areas in the North Natuna Sea. There is a need for information explaining the condition of the TNI information system in Border Security Operations, as well as various repair and improvement efforts that can be carried out by realizing interoperability of information systems between TNI operations task forces, between elements or TNI defense equipment used in Border Security Operations, in particular. applied to the North Natuna Sea, where the area is vulnerable to territorial disputes between Indonesia and regionally neighboring countries.

Settlement of border area disputes between countries prioritizes peaceful problem solving solutions that are carried out through the negotiating table. However, if the negotiations carried out sometimes have not resulted in a solution to the settlement of border disputes, then this problem will be brought to the International Court of Justice as the next peaceful solution. Based on several territorial dispute decisions made by the International Court of Justice so far, three main considerations can be formulated by the International Court of Justice in deciding border area disputes between countries (Suhirwan et al, 2020).

The three main considerations are previous agreements between countries, posidentis upi and effective control (effective occupation). In order to maintain the superiority of effective control over the entire territory of Indonesia, especially in disputed areas, Indonesia through the Indonesian National Armed Forces (TNI) held an Inter-State Border Security Operation. The Border Security Operations that are held are well integrated and able to provide information quickly and accurately, making it easier for decision-making officials to carry out several important initiatives and anticipatory steps to maintain effective control over disputed areas and prevent effective control over disputed areas by other countries with the interoperability of information systems.

Interoperability is a collaboration between software, hardware, and brainware to support the command and control of border security operations in order to maintain the sovereignty of the Republic of Indonesia. Interoperability which means cooperation between all dimensions of the TNI is a strategy and effort to achieve the vision that has been made. The function of interoperability is to simplify things and speed things up, without reducing the value of delivering the message. cooperation of all elements is needed in carrying out especially technological rejuvenation in software and hardware, as well as improving the quality of brainware. Trimming the convoluted bureaucracy by simplifying the use of technology is a relatively expensive thing, but in terms of securing the territory of the state's sovereignty, of course, this effort must be done. The slogan of the Unitary State of the Republic of Indonesia is fixed and will be heard if there are cases or problems, especially in securing the area which in the last 2 decades have been heard, starting from the islands of Sipadan and Ligitan, the North Natuna Sea, to the problems in Ambalat. Indonesia which has an area with the 3rd largest coastline in the world, it is natural that the concept of interoperability in terms of information technology is needed.

The results of the Interoperability analysis found that the condition of the Border Security Operations information system can be classified into two main components, namely the Early Warning Information System and the Threat Response System, both of which include Software, Hardware, and Brainware in each information system. The findings found are also in the realm of policy and regulation which are contained in the results of the Nvivo analysis as a research synthesis shown in the figure, which is as follows:

Figure 7. Results of the Nvivo . Qualitative Analysis
(**Source:** processed by the researcher, 2022)

Based on the results of the NVivo software analysis, several findings were obtained which prioritized problem solving from the four main problems.

a. regulation.

1) Technical level regulations are not yet precise, flexible, interoperable.

2) The perception of regulation is different.

3) There is no standardization of regulations.

4) There is a sectoral ego.

b. Software.

1) Limited bandwidth capacity.

2) There is no application integration yet.

3) Update manual data validation.

4) The Kodal system is less powerful.

c. Hardware.

1) The hardware capacity is not yet qualified.

2) No hardware integration yet.

3) High hardware variety.

4) Database and server are still physical.

d. Brainware

1) The crew does not match their specialization.

2) Lack of crew personnel.

3) Not all personnel are computer literate.

4) Personnel training is not centralized.

From the four analysis results, it was found that many system components in supporting interoperability still have their own problems, both in terms of regulation, hardware, software, and brainware.

2. Analysis of the TNI Information System Interoperability Strategy to Support the Operational Command for Border Security in the North Natuna Sea

In order to realize the government's vision for the development of national defense, the strategic objectives of national defense are to create a national defense capable of facing threats; realizing a state defense capable of handling maritime area security, land area security, and aerospace area security; realizing national defense capable of playing a role in creating world peace; create a strong, independent, and competitive defense industry; and create awareness of state defense for Indonesian citizens.

The national defense development policy in Presidential Decree no. 97 of 2015 describes the development of border areas and outermost/frontier small islands, as well as the development of technology and information and communication systems in the defense sector. Based on this, the policy for guidelines for formulating strategies and efforts to solve the problems in this paper is to obtain an interoperability strategy for border area security based on the findings and results of research in the previous subchapter regarding the findings and results of research based on Nvivo analysis covering regulations, software, hardware and brainware. , then the strategies that can be implemented and initiated are as follows:

a. Realizing interoperability of TNI information system regulations through improving regulations at the technical level that is appropriate, flexible, interoperable, then equalizing regulatory perceptions, compiling standardization of regulations and eliminating sectoral egos. The interoperability of the regulation of the TNI information system will be the basis for realizing the interoperability of software, hardware and brainware of the TNI information system.

b. Realizing interoperability of TNI information system software through increased bandwidth capacity, application integration, automation of data validation updates and strengthening of the Kodal system. The interoperability of the regulation of the TNI information system will be the basis for realizing the interoperability of software, hardware and brainware of the TNI information system. This will support the realization of up-to-date information sharing and communication between the early detection and threat response units and the Operations Command and Control Center so that operations leaders can clearly know the conditions and situations of the battlefield in real time. So that the military's early detection capability to identify violations of state sovereignty and sovereign rights and the ability to quickly respond to violations of sovereignty and sovereign rights can be improved in TNI operational units.

c. Realizing interoperability of TNI information system hardware through hardware capacity enhancement, hardware integration, hardware standardization, database and server improvement through the use of cloud storage. It also supports the realization of up-to-date information sharing and communication.

d. Realizing the interoperability of the TNI's information system brainware through the placement of personnel according to their specialization, increasing the quality and quantity of crew personnel, increasing the capabilities of crew personnel through IT and computer education or courses as well as organizing centralized personnel training. This also supports the realization of information sharing and communication that is appropriate and up to date.

CONCLUSION

Results:

a. To improve the interoperability of the TNI information system to support the command and control of border security operations in order to maintain the sovereignty of the Republic of Indonesia, it is necessary to increase the interoperability of regulations, software, hardware and brainware of the TNI information system.

b. Regulatory interoperability can be realized by improving regulations at the technical level that are appropriate, flexible, interoperable, then equalizing regulatory perceptions, compiling standardization of regulations and eliminating sectoral egos.

c. Software interoperability can be realized through increased bandwidth capacity, application integration, automation of data validation updates and strengthening of the Kodal system. The interoperability of the regulation of the TNI information system will be the basis for realizing the interoperability of software, hardware and brainware of the TNI information system.

d. Hardware interoperability can be realized through increased hardware capacity, hardware integration, hardware standardization, database and server improvement through the use of cloud storage.

e. Brainware interoperability can be realized by placing personnel according to their specialization, increasing the quality and quantity of crew personnel, increasing the capabilities of crew personnel through IT and computer education or courses as well as organizing centralized personnel training.

Recommendations that can be given include:

a. Formulating research on policy studies on interoperability between dimensions in order to synergize the main tasks and functions in guarding border areas, both land, maritime, and aerospace;

b. Develop analysis on national potential studies in land areas, maritime areas and aerospace areas in the form of regional potential analysis and defense potential analysis;

c. Formulating research related to static defense studies, especially in guarding border areas, which will involve regional components, including regional security guards;

d. The need for the preparation of a Blueprint, Grand Design or Strategic Plan that binds all efforts to build and develop Information System interoperability in the long term;

e. The need to develop a Knowledge Management System or Database System which is an inventory/repository of a collection of software and can be accessed through a secure network (VPN or Military Intranet) by all units that oversee Information Systems;

f. The need to determine the priority scale in the procurement of hardware supporting the interoperability of Information Systems.

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The Effectiveness of Cooperative Learning Jigsaw Model and Team Game Tournament (TGT) on Dribling Ability in Football Games Class XI State High School 2 Gadingrejo

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ABSTRACT: Physical education learning process must be supported by adequate learning facilities and infrastructure, such as sports equipment and the field as a learning resource for physical education learning. If one of them is inadequate, both limited in quantity and quality, it will greatly affect the learning process, especially learning basic football techniques. Dribbling is an attempt to push the ball intermittently with the ball position not far from our feet and must be controlled by the dribbeler while running to achieve certain goals in the game of football. This study aims to determine how much influence the practice of the jigsaw cooperative learning model and the team game tournament (TGT) model on dribbling skills in the XI class football game of State High School 2 Gadingrejo. The method used in this study is a comparative experimental method, the population is 203 students, while the sample technique used is proportional random sampling of 40 students. The procedure in this study used Pre-test, Treatment and Post-test. The data analyzed is data from the results of the initial and final tests. Calculating the results of the initial and final tests using the T-test data analysis technique. The results of this study are; 1) There is a significant effect of the jigsaw model of cooperative learning on the ability to dribble the ball in soccer games. 2) There is a significant effect of the TGT learning model on the ability to dribble the ball in soccer games. 3) There is a significant difference between the experimental group of Jigsaw and TGT cooperative models.

KEYWORDS: Dribbling, Cooperative Jigsaw, Football Game, TGT

INTRODUCTION

Physical education is an integral part of overall education to develop all aspects of the human person, both physically and spiritually, through physical activities to form Indonesian people (Jian Andri Kurniawan et al., 2015). Understanding Physical education is an educational process through physical activities designed to improve physical fitness, develop motor skills, knowledge and behavior of healthy and active living, sportsmanship, and emotional intelligence (Fudin & Hariyadi, 2020). The learning environment is carefully arranged to promote the growth and development of all domains, physical, psychomotor, cognitive, and affective for each student (Avdeeva & Tulyakova, 2018).

The benefits of physical education in schools are to develop students' talents which are educational institutions and accommodate students who are fostered so that they have the ability, intelligence and skills (Harvey et al., 2014). The educational process requires coordinated and directed coaching (Pasichnyk et al., 2021). Thus, students are expected to achieve maximum learning achievement so that educational goals can be achieved. Physical activity chosen to achieve competence in physical education is through various physical activities and sports that are selected and adapted to the objectives to be achieved, the needs, capabilities and characteristics of students. Reasonable physical activity for recreation and physical activity for sport or achievement. The selected activities are centered on physical activities that can activate large muscles, basic movements and physical movements through sports (Eryiğit & Ay, 2021).

One of the lack of development of the physical education learning process in schools is due to the lack of creativity and innovation of physical education teachers in using learning models (Minana-Signes & Monfort-Panego, 2021). Physical education teachers always use improvised facilities and infrastructure continuously without thinking to develop more fun and innovative learning models so that many students feel bored and bored. Many physical education teachers still use conventional learning processes so that the learning process becomes monotonous and not interesting. They are often found using the same learning methods and using the field in the school environment without trying new things by developing modified learning models (Marwan, 2019).

Football is a team game played by two teams, each team consisting of eleven players including a goalkeeper (Rafi et al., 2018). The game may be played with all parts of the body such as the legs, head, chest and arms in a passive position except with

both active arms (hands). Almost all games are carried out with foot skills, except for the goalkeeper in playing the free ball using his limbs, with his feet and hands. When starting to prepare for a soccer match, the main skill that first makes someone feel motivated and satisfied is the ability to dribbling. Therefore, the basic dribbling technique must be mastered by all players. Of course, this requires special exercises with various variations of learning (Ryom et al., 2020).

The goal of dribbling is to keep the ball while running across an opponent or advancing into open space. In performing the dribbling technique, it is divided into several forms of movement, based on the impact of the foot with the ball. Dribbling is an individual skill that every football player must master. Because it is very closely related to ball control in the field, because the ball must always be in our control. Dribbling must be able to be done either without an opponent or through opponents with various ball control techniques (Sugiyama et al., 2017).

Dribbling with the outside of the foot, dribbling with the outside is one way to control the ball (Hornig et al., 2016). This ball control skill is used when the player in control of the ball is running and pushing the ball so that it can keep the ball on the outside of the foot. Dribbling uses the tortoise of the foot where the shoelaces are located, a common mistake that is often made by beginners in this technique is hitting the ball not on the back of the foot but using the tip of the toe. This relates to learning the basic technique of dribbling the ball in soccer games. In the learning process with these basic techniques, the teacher is less creative, resulting in student saturation in the learning process, resulting in the learning process learning becomes tiring and boring, there is nothing challenging and new to students. The teacher has given material about football at school but in a less attractive way and the equipment used is also very few and not varied, it should be for students who have experienced the process of learning about football no longer having difficulty in dribbling the ball because they have received material from the teacher.

The game of football is also a game that is very popular with students of State High School 2 Gadingrejo. However, the student's fondness for playing football cannot be used as a guarantee that they can play football properly and correctly. The initial findings at the time of the study showed that there were some students who had not been able to master the basic techniques and the dribbling movement was still stiff, the foot hitting the ball was still wrong and the body movement for dribbling was still less flexible, then the learning given was also still using conventional methods. For example, students are only given a ball and only given orders to dribble from one point to another. With these problems, it is necessary to modify learning that is fun and attracts students' interest in learning skills in the game of football through playing. Thus the author wishes to make a study by applying a Jigsaw cooperative learning method and team game tournament into learning materials for dribbling in soccer games.

Based on the description above, the learning outcomes achieved by students cannot be separated from the teacher's role in selecting and implementing learning models that are in accordance with the characteristics of the material and students in order to achieve learning success. The learning model chosen must be able to empower students to move more to try the basic movements of football, namely dribbling and practicing repeatedly.

Based on the description above, the authors want to know how the selection of the model, whether it is appropriate and there are differences, in improving students' basic movement skills in football subjects, especially in dribbling. So the author took the title "The Influence of Jigsaw Cooperative Learning Model and Team Game Tournament (TGT) on dribbling ability in Football Game Class XI State High School 2 Gadingrejo.

METHODS

The method used in this study is a comparative experimental method, the population is 203 students, while the sample technique used is proportional random sampling of 40 students. The procedure in this study used Pre-test, Treatment and Post-test. The data analyzed is data from the results of the initial and final tests. Calculating the results of the initial and final tests using the T-test data analysis technique.

RESULTS AND DISCUSSION

1. Data Description

Table 1. Initial Test

Number	Model	X	fi	$\geq X$	fi	$\leq X$	Description
1.	*Jigsaw*	61	6	30%	14	70%	100 %
2.	TGT	50	11	55%	9	45%	100 %

Table 2. Final Test

Number	Model	X	fi	$\geq X$	fi	$\leq X$	Description
1.	*Jigsaw*	69	11	55%	9	45%	100 %
2.	TGT	59	13	65%	7	35%	100 %

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From the percentage table above, it can be seen that the average number of initial tests for the jigsaw group is 61 points, while the TGT is 50 points and those who are above the class average in the initial test for the jigsaw group are 6 people out of 20 testes and if they are presented it is 30% and those who are in the middle below the average as many as 14 people with a percentage of 70%, while for the cooperative learning model group the TGT model which is above the class average there are 11 people out of 20 testes and if the percentage is 55% and below the class average there are 9 people of 20 testes with a percentage of 45%. After being given treatment, the final test results showed an average of 69 in the jigsaw group final test results, with a percentage of 55% above the average or 11 people from 20 testes and 45% below the average, namely 9 people from 20 testes, while the team game tournament group became 59 with 13 people from 20 testes were above the average with a percentage of 65% and there were 7 people below the class average with a percentage of 35%.

2. Normality test

Normality test data used in this study using the Liliefors test with test criteria if the value of L count < L table, then the data is normally distributed. Based on the results of the ball dribbling ability test in soccer games in both the JIGSAW and TGT experimental groups with a significant level of 0.05 and a 95% confidence level, the L arithmetic value is smaller than L table, so it can be concluded that the data distribution for all variables is normal. The following are the results of the normality test of the data in the JIGSAW method experimental group and the Team Game Tournament method group, which are presented in the following table:

Table 3. Normality Test Results

Data	L_{count}	L_{table}	Conclusion
TGT Group Pre-Test Data	0,1566	0,220	Normal
TGT Group Final Test Data	0,1260	0,234	Normal
Group Pre-Test Data JIGSAW	0,0760	0,258	Normal
Group Final Test Data JIGSAW	0,1476	0,234	Normal

From the table above, it can be seen that the initial test data for the jigsaw experimental group L count 0.0760 < L table 0.258 which means normally distributed, the final test data for the JIGSAW experimental group L count 0.0760 < L table 0.258 which means normally distributed, the initial test data for the experimental group Team Game Tournament L count 0.1566 < L table 0.220 which means normal distribution, final test data for the Team Game Tournament experimental group L count 0.1260 < L table 0.234 which means normal distribution.

3. Homogeneity Test

Homogeneity test was conducted to see whether the two groups had the same variance. To find out which variables have the same variance, the test that is carried out is by comparing the largest variance and the smallest variance from each group so that the Fcount value is obtained with the test criteria if the Fcount < Ftable then the two data are homogeneous or come from the same variance. same. It turned out that the test results obtained Fcount < Ftable, then the two variances were homogeneous. The following are the results of the homogeneity test of the data in the experimental group 1, namely the jigsaw method and the experimental group 2, namely the team game tournament (TGT) method, are presented in the following table:

Table 4. Homogeneity Test Results

Data	L_{count}	L_{table}	Conclusion
Pre-Test Experimental Group *TGT dan JIGSAW*	2,058	3,59	Homogeneous
Final Test Experimental Group Team Game Tournament and *JIGSAW*	2,4165	3,59	Homogeneous

From the table above, it can be seen that the results of the homogeneity test of the Initial Test of the jigsaw and TGT experimental groups were obtained, namely F count 2.058 < F table 3.59 which means the data is homogeneous, then for the Final Test of the Experimental Group Team Game Tournament (TGT) and jigsaw, namely obtained F count 2.4165 < F table 3.59 which means the data is homogeneous.

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4. Hypothesis testing

Hypothesis testing is basically a step to test whether the statements put forward in the formulation of the hypothesis can be accepted or rejected. The data obtained were then analyzed using t-test to test the hypotheses that have been compiled in the this research. The following is a t-test table for each data:

Table 5. T-test table

Data	L_{count}	L_{table}	Conclusion
Pre-test and post-test TGT group	0,38	2.080	Significant
Jigsaw group pre-test and post-test	6,041	2.080	Significant

    a. Analysis of Group Hypotheses of Team Game Learning Model Tournament After each group received treatment, then to prove the change a statistical calculation was carried out using the t-test formula. The results of the t-test calculation for the test initial and post-test in the TGT group obtained a count of 0.38 > t table 2.080 which means rejecting the null hypothesis (H0). So it can be concluded that there is a significant influence on the ability to dribble the ball with the TGT . learning model

    b. JIGSAW Learning Model Group Hypothesis Analysis. After each group received treatment, then to prove the change a statistical calculation was carried out using the t-test formula. The results of the t-test calculation for the test the initial and final tests in the Jigsaw group obtained tcount 6.041 < t table 2.080 which means accept hypothesis two (H2). So it can be concluded that there is a significant influence on the ability to dribble the ball with the Jigsaw . learning model

5. Hypothesis Analysis of the influence between Learning Groups Jigsaw and TGT. Based on the results of calculations to find differences in the final test of the Jigsaw and TGT cooperative learning groups, the t-count value is 3.622 and the t-table value is at a significant level of 0.05 or at the 95% confidence level, the t-table is 1.721. If -ttable t count then H3 is accepted and H0 is rejected. Based on the results of the calculations carried out, the value of tcount is 3.622> ttable 1.721. This means that in the final test of the jigsaw and TGT groups there is a more significant difference in the class XI State High School 2 Gadingrejo.

6. Different Test
Table 6. Different Test

Group name	t_{count}	t_{table}
Group pre-test JIGSAW and TGT	5.14	1,721
Group final test JIGSAW and TGT	3.622	1,721

From the results of the table above, in the initial test for the jigsaw and TGT groups, it was obtained that t count was 5.14 > t table of 1.721, then rejected H0 and accepted H1 which means that there is a significant difference between the initial test of the TGT and JIGSAW learning models. In the final test of the jigsaw and TGT groups, the t count was 3.622 > t table 1.721, so H0 was rejected and H1 was accepted, which means that there was a significant difference in the final test between the TGT and JIGSAW learning models.

CONCLUSION

1. Based on the results of testing the first hypothesis, it proves that there is a significant effect of ball dribbling exercises using the jigsaw cooperative learning model. Judging from its characteristics, dribbling the ball is one of the basic techniques that must be mastered well in the sport of football, because dribbling the ball is often used by football players in an effort to score points. Dribbling the ball serves to control the ball in outwit the opponent with the aim of scoring points into the opponent's goal in order to lead and win the match. With the jigsaw method, there was no significant increase in dribbling in football.

2. The results of testing the second hypothesis prove that there is a significant effect of dribbling the ball using the Team Game Tournament learning model. Based on the results of research and activities during the research on class XI students of SMA Negeri 2 Gading Rejo, it was seen that there was a significant increase in student achievement after being given dribbling training with the model. TGT is seen from some of the better dribbling abilities of the ball, which is faster than before being given treatment.

3. Meanwhile, the results of testing the third hypothesis prove that there is a significant effect of dribbling practice using the jigsaw and TGT learning models. From the results of the analysis for the use of the JIGSAW learning model and the Team

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Game Tournament, the two learning models have a significant effect on the ball dribbling ability of the Class XI State High School 2 Gadingrejo. This effect can be seen in the increase in the average value of the results of the ball dribbling ability between students who use the JIGSAW learning model and the Team game Tournament learning model, so it can be concluded that the improvement in ball dribbling skills in soccer games using both models is very good.

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Competitiveness of Indonesian Mangosteen in the International Market

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ABSTRACT: The agricultural sector is the leading sector in the Indonesian economy. Mangosteen (Garcinia Mangostana Linn) or commonly called "the queen of fruits" is one of Indonesia's mainstay exotic fruits. Since the 1970s until now the demand for exports has continued to increase, so it can be said that the mangosteen fruit is the prima donna of export which is Indonesia's mainstay. The purpose of this research are to analyze the development of Indonesian mangosteen exports, the factors that affect Indonesian mangosteen exports and the competitiveness of Indonesian mangosteen in the international market in 2009-2019. This research uses secondary data form Central Bureau of Stastistics, Outlook and UN Comtrade. The development of mangosteen exports was analyzed using trend analysis; the factors that influence the development of exports were analyzed using multiple regression analysis and the competitiveness of the mangosteen in the international market was analyzed using revealed comparative advantage (RCA). The result of this research are that in 2009 – 2019 the development of Indonesian mangosteen exports trends to increase; the factors of exports are real prices (negative effect), exchange rate (positive effect) and Indonesian mangosteen is competitive in the international market.

KEYWORDS: Competitiveness, Indonesian mangosteen, International market

I. INTRODUCTION

Indonesia is a country rich in natural resources and biodiversity. Indonesia is well known as an agricultural country because most of its population earn a living as farmers, where the agricultural sector is one of the leading sectors in its economy. Agriculture-based business will be one of promising businesses in the future, because agricultural business can increase national economic development in various broad aspects based on food crops and horticulture.

The mangosteen fruit (Garcinia mangostana Linn.) or commonly called "the queen of fruits" is a member of the Guttiferae family. This fruit plant is widely cultivated in Southeast Asian countries such as Indonesia, Malaysia, Sri Lanka, Philippines, Myanmar and Thailand. This fruit plant is one of Indonesia's mainstay fruit commodities. In Indonesia, the mangosteen plant is almost spread throughout the archipelago. Since the 1970s until now, export demand has continued to increase, so that it can be said that the mangosteen fruit is the prima donna of export which is Indonesia's mainstay (Qosim, 2013).

The need for mangosteen continues to increase along with increasing public awareness of the importance of nutrition and health. The need for the mangosteen fruit is increasing with the knowledge that the mangosteen fruit has many benefits contained in it, both in the flesh and skin of the fruit. Mangosteen fruit is widely used as traditional medicine, one of which is as a remedy for diarrhea, abdominal pain, infection and clonic ulcers. This is because mangosteen contains various substances that function as anti-inflammatory, antioxidant, anti-cancer, anti-bacterial, and also have neuroprotective activity (Wulan, 2015).

Mangosteen is widely marketed in the form of fresh fruit, currently there are 29 districts that are listed as producers and contributors of mangosteen fruit for export and to fulfill domestic needs, which include: Tasikmalaya, Sawahluno/Sijunjung, Tapanuli, Purwakarta, Subang, Bogor, Lahat, City of Agam, Tabenan, Fifty Cities, Pasaman, Sukabumi, Pontianak, Blitar, Banyuangi, Purwokerto, Kampar, Kerinci, Merangin, West Lombok, Tanggarbus, Lebong, Trenggalek, Bangai Islands, Mamasa, Dompu, Paso and Banggai (Syarfuddin, 2009).

Table 1. Mangosteen Production in Indonesia in 2009-2019

Year	Amount of Mangosteen Production (Tons)Year
2009	105.558
2010	84.538
2011	117.595

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2012	190.287
2013	139.602
2014	114.755
2015	203.100
2016	162.862
2017	161.751
2018	228.148
2019	246.476

Source: Processed from the Directorate General of Horticulture and Statistics Indonesia (2019).

Table 1 shows that the production of mangosteen fluctuates, but in general it has increased. How many mangosteens are marketed abroad and how is Indonesia's mangosteen competitive ability in the international market is background of this research. The purpose of this research are to analyze the development of Indonesian mangosteen exports, the factors that affect Indonesian mangosteen exports and the competitiveness of Indonesian mangosteen in the international market in 2009-2019. The title of this research is "COMPETITIVENESS OF INDONESIAN MANGGIS IN THE INTERNATIONAL MARKET".

Term Limit

This term limitation is made with the aim that there is a common perception between the writer and the reader.
The term limits include:

1. Competitiveness is the ability to compete among mangosteen exporting countries in the international market.
2. Mangosteen fruit is a fruit that can be consumed directly or further processed into food and beverage products. Indonesian mangosteen is mangosteen produced by farmers in Indonesia.
3. The data used is secondary data in 2009-2019.
4. The amount of local mangosteen production is the amount of mangosteen produced by farmers from mangosteen cultivation at the local mangosteen farm level (on-farm) in tons/year.
5. The number of exported mangosteen fruit is the number of mangosteen fruit sold outside Indonesia in tons/year.
6. Domestic market is all trading activities that take place in a country other than export and import.
7. The international market is the world market. International trade is a relationship of economic activity between countries which is realized by the process of exchanging goods and services on a voluntary and mutually beneficial basis.

II. RESEARCH METHODS

Data Types and Sources

The type of data used in this research is secondary data. Secondary data is data obtained not directly from the source, but obtained from related agencies and from other sources. In this study obtained from the Central Statistics Agency (BPS), the Indonesian Ministry of Trade, literature studies and other information.

Methods and Data Analysis

This study uses descriptive and quantitative data analysis methods. Data analysis method to analyze the development of mangosteen fruit exports using trend analysis. Mathematically the linear trend method is written as follows:

$\hat{Y}t = a + b1.t$

Description

$\hat{Y}t$ = forecast for the future period after period t

A   = intercept

B   = slope increase or decrease

Factors influencing export development were analyzed using multiple regression analysis. Mathematically the equation is as follows:

$Y = a + b1 X1 + b2 X2 + b3 X3 + ei$

Where:

Y   = Amount of Indonesian mangosteen fruit exported (tonnes)

X   = Price of Indonesian mangosteen (Rp)

X2   = Indonesian mangosteen fruit production (tonnes)

A   = constanta

b1; b2   = Regression coefficient

The competitiveness of mangosteen in the international market was analyzed using Revealed Comparative Advantage (RCA). Mathematically written as follows:

$$RCA = \frac{Xi/Xj}{Xij/Xw}$$

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Description:

Xij   = Export value of commodity i from country j
Xj   = The total value of the country's exports
Xiw   = Export value of commodity i from the world
Xw   = Total world export value

III. RESULTS AND DISCUSSION

A. Indonesian Mangosteen Export Development

Indonesia is the fifth largest mangosteen producing country in the world. This is because Indonesia has natural potential that greatly supports the growth and development of the mangosteen plant as a tropical fruit crop. On the other hand, the world's demand for mangosteen continues to increase so that the world's demand for mangosteen also increases. In general, the volume and value of Indonesia's mangosteen exports increased, in detail presented in table 2.

Table 2. Mangosteen Export Volume in Indonesia in 2009-2019

Year	Mangosteen Export Volume (Tons)	Mangosteen Export Value (USD)
2009	11.31	11.319
2010	11.38	11.388
2011	12.60	12.603
2012	20.16	20.169
2013	7.648	5.734
2014	10.08	6.545
2015	38.17	17.212
2016	34.95	20.220
2017	9.167	4.031
2018	38.83	33.268
2019	27,79	42.630

Source: Processed from (Agricultural Data and Information System Center, 2019)

Indonesian mangosteen export volume since 2009 – 2019 has fluctuated with an increasing trend. The years 2009 – 2012 experienced an increase, especially in 2011-2012 an increase of 60% but had decreased by 62% and then increased again until 2017. The export value of Indonesian mangosteen fluctuated in line with its export volume in 2009 – 2012, decreased in 2013 and 2014, increased again in 2015-2016 while in 2017 it fell again due to the decline in the rupiah exchange rate against the US dollar. In 2018 the rate of development of the mangosteen export value was high at 725.25% (Center for Agricultural Data and Information Systems, 2019)

Graphically the development of export volume can be described as follows:
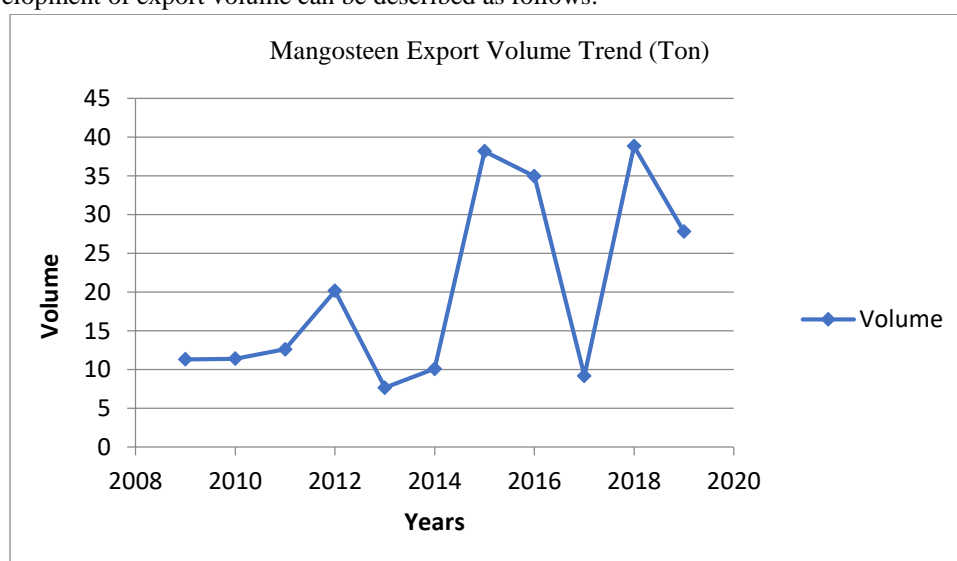

Figure 1. Development of Indonesian Mangosteen Export Volume in International Market

Competitiveness of Indonesian Mangosteen in The International Market

In figure 1 it can be seen that the export volume of Indonesian mangosteen fluctuates every year. The amount of value a is 20,189 tons, meaning that the export volume of Indonesian mangosteen without the influence of time is 20,189 tons. The amount of coefficient (b) of the time period against the export volume of Indonesian mangosteen is 2.2 (b = 2.2), meaning that the increase of 1 year then the volume of Indonesian mangosteen exports will increase by 2.2 tons and the magnitude of the coefficient of determination of the export volume trend line (R2) 0.3454.

The average development of Indonesian mangosteen export volume is 97% percent per year with a trend that tends to increase. The increase in Indonesian mangosteen exports is supported by domestic production which tends to continue to increase over time. The contribution of Indonesian mangosteen export volume to the world market in 2001 amounted to 1.1 percent of the world's mangosteen exports and increased in 2015 by 2.35 percent of the total world mangosteen exports (Reni K et al, 2019)

B. Factors Affecting the Development of Indonesia's Mangosteen Export Volume for 11 years (2009-2019)

Based on the results of multiple regression analysis, the results obtained are that domestic prices have a negative effect; exchange rate has a positive effect and production has a positive effect.

Coeficient

Model		Unstandardized Coefficients		Standardized Coefficients		
		B	Std. Error	Beta	t	Sig.
1	(Constant)	-56.278	19.122		-2.943	.026
	Real price	-.006	.002	-1.404	-2.698	.036
	Exchange rate	.007	.003	1.221	2.786	.032
	Production	.262	.074	1.009	3.525	.012

The results of the regression analysis showed that the variables that influenced the volume of Indonesian mangosteen exports were the mangosteen price (-1.404) with 3.6%; the rupiah exchange rate against the US dollar (1.221) with 3.2%; and mangosteen production in Indonesia (1.009) with 1.2%. The effect of the price of mangosteen (-1.404) with 3.6%, meaning that if the price of mangosteen is increased by 1%, the volume of Indonesian mangosteen exports will decrease by 1.404% and vice versa if the price of mangosteen is decreased by 1%, the volume of Indonesian mangosteen exports will increase by 1.404% at the level of 96% confidence. This is in accordance with the law of demand that price is inversely proportional to demand.

The effect of the rupiah exchange rate on the US dollar (1.221) with 3.2%, meaning that if the rupiah exchange rate against the US dollar increases by 1%, the volume of Indonesian mangosteen exports will increase by 1.221% and vice versa if the rupiah exchange rate against the US dollar decreases 1%, the volume of mangosteen exports Indonesia will decrease by 1.221% at the 96% confidence level. This was due to the increase in the rupiah exchange rate against the US dollar motivating producers (in this case Indonesia) to increase their export volume because it would increase their profits and vice versa. The decline in the rupiah exchange rate against the US dollar will also reduce the profits of exporters.

The effect of mangosteen production (1.009) with 1.2%, meaning that if mangosteen production in Indonesia increases by 1%, the volume of Indonesian mangosteen exports will increase by 1.009% and vice versa if mangosteen production in Indonesia decreases by 1%, the volume of Indonesian mangosteen exports will decrease by 1.009 % at the 98% confidence level. This is natural because ideally all products are sold out so as not to lose because agricultural products do not last long.

C. Competitiveness of Indonesian Mangosteen in the International Market

One tool to measure the competitiveness or comparative advantage of a commodity among fruit commodities in Indonesia (in the case of Indonesian mangosteen) is the Revealed Comparative Advantage (RCA) index. The RCA index of a commodity is obtained by comparing the export value of that commodity to the export value of the world's agricultural commodities. In this study 5 commodity fruits consisting of mangoes, bananas, oranges, pineapples, avocados in Indonesia in 2009 - 2019.

From the results of RCA calculations on 5 commodities of these fruits over a period of 11 years (2009 - 2019) experienced fluctuations. Fluctuations in the RCA index of 5 commodity fruits are presented in table 3.

Table 3. Indonesia Mangosteen RCA Index Value 2009–2019

Tahun	RCA
2009	0,83
2010	1,06
2011	0,89
2012	2,21

Competitiveness of Indonesian Mangosteen in The International Market

2013	2,05
2014	3,14
2015	4,24
2016	3,70
2017	4,14
2018	0,64
2019	1,07

Source: FAO UN, 2018-2019. Statistics Indonesia (BPS), 2013-2017

IV. CONCLUSIONS

Based on the results of research and discussion can be concluded that:

1. The development of Indonesian mangosteen export volume in 2009-2019 fluctuates every year and tends to increase.
2. The development of Indonesian mangosteen export volume in the international market is influenced by the price of mangosteen (negative influence), rupiah exchange rate against the US dollar and Indonesian mangosteen production (positive influence).
3. Mangosteen Indonesia is competitive in the international market.

V. RECOMMENDATIONS

It is recommended that Indonesia to develop mangosteen cultivation techniques so that the continuity of production is maintained, and improve the quality of mangosteen products.

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Juridical Analysis of the Development of Copyright Law in Relation to Legal Purposes

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ABSTRACT: Introduction to the Problem: One example of regulations in the economic field is Intellectual Property Rights (IPR). The Copyright Law has been amended many times, even within a period of approximately twenty years, the relevant law has changed four times. The purpose of the law is justice, legal certainty and expediency, thus giving the desire to review the Copyright Law to be able to realize the legal objectives.

Objectives/Study Objectives: This paper aims to determine the Juridical Analysis of the Development of Copyright Law in Relation to Legal Objectives

Design/Methodology/Approach: This paper is included in the type of normative legal research which provides a prescriptive on Juridical Analysis of the Development of Copyright Law in Relation to Legal Objectives. The technique of collecting legal materials is carried out by studying literature to collect legal materials by reading laws and regulations, official documents and literature related to problems that must be carried out by the author. The legal material analysis technique is carried out qualitatively

Findings: The results show that, the purpose of the law is as a social engineering tool, so that the Intellectual Property Rights Act is also a social engineering tool aimed at making people obey the law in the direction of a law-abiding society in the field of IPR is not yet optimal. The development of the Copyright Law in law with legal objectives can be seen from the legal substance, legal structure, and Indonesian culture.

Paper Type: Research Article

KEYWORDS: Copyright Law; Justice; Certainty; Benefits

INTRODUCTION

The process of developing the Copyright Law, either voluntarily or by force, has reflected that the Indonesian state is optimally trying to protect public and private interests by enacting the Copyright Law and its amendments accompanied by sanctions as a preventive measure. As well as repressive measures to prevent and overcome copyright infringement that can harm the creator and the state. However, this change in law should be directed at the creation of a legal system that allows the people's basic rights to be respected, fulfilled and protected.(Benuf, 2018)

The I Made Same case illustrates that in the formulation of law to protect intellectual works, it does not necessarily mean that there is a place for people who are the target of protection for those concerned because there are different perceptions. The development that exists in society is a debate between the needs of society economically and the attitude of respecting copyright. The problem of weak law enforcement is due to the ability of law enforcers to understand copyright provisions. So that the benefits of the Copyright Law can not be fully enjoyed by the community.

One example of the regulations in the field of economics is property rights to an intellectual (IPR). (Santoso, 2012). IPR is a law that contains economic and business values, IPR is a daily problem. Intellectual Property Rights is a right that arises as a result of human intellectual abilities in various fields that produce a process or product that is beneficial to mankind. Works in the fields of science, literary arts, and inventions in the field of technology are examples of creative works of human intellectual creativity, through their creations, tastes, and works. These copyright works give rise to military rights for the creator or inventor. (Santoso, 2012). It is important to distinguish such works from other forms that can also be owned as property by humans, but do not grow or are produced by human intellectual creativity, for example property rights obtained from nature (land, plants) and other material rights that are passed on. In the legal system in Indonesia, the Intellectual Property Rights entered as private property rights that are intangible (intangible) (Kesowo, 1992). Law is always developing, following the movements of the times and these two things are indeed impossible to avoid. Changes in-laws can be used as an indication that an era has ended or a new era has emerged. F. Sugeng Istanto in Abdul Latif stated that the process of change ius constitutum be ius constituendum due to changes in the life of the

community is talking about a series of events that changed the ius constitutum due to the fact that different with elements of ius constitutum to then set ius constituendum that the elements meet the realities of life in these different communities (Istanto, 2011).

In this regard, the Copyright Law is one of the laws that is undergoing development. It is known that the law of copyright has been amended many times even within parentheses less than twenty years of legislation in question had been changed four times. Budi Santoso divides copyright arrangements into two periods, namely: (Santoso, 2012)

1. colonial period : (*Auteurswet* 1912)
2. period after independence:
a. *Auteurswet* 1912 is still in effect (Art. II transitional rules of the 1945 Constitution);
b. never made the Draft Law of Copyright in 1958;
c. Definition Act Act Copyright year 1966;
d. Definition Act Act Copyright t ear 1972;
e. Law No. 6 of 1982 on Copyright
f. Law No. 7 Year 1987 regarding changes to Law No. 6 of 1982 on copyright
g. Law No. 12 of 1997 on changes to Law No. 6 of 1982 as as amended by Law No. 7 of 1987 concerning copyright;
h. Law No. 19 of 2002 on copyright stating revoke Law long on copyright;

Noting and disk usi right that the purpose of the law is justice, legal certainty and expediency lead us to desire to how Law Act Copyrightable to realize the objectives of the law. Based on the description above, the author would like to examine more deeply about the laws that contain Intellectual Property Rights in Indonesia from a sociological perspective in a paper with the title: "Juridical Analysis Of The Development Of Copyright Laws about Legal Purposes" To limit the scope of this research, the author raises the formulation of the problem as follows, How is the development of copyright about one of the objectives of the law, namely justice? How is the development of Copyright about one of the legal objectives, namely legal certainty? How is the development of Copyright about one of the legal objectives, namely benefit?

METHODOLOGY

This paper is included in the type of normative legal research which provides prescriptive regarding the juridical analysis of the development of copyright law about legal objectives. The technique of collecting legal materials is carried out by literature study to collect legal material by reading the laws and regulations, official documents and literature related to the problem the author is researching. The legal material analysis technique is done qualitatively.

RESULTS AND DISCUSSION

The Form of Justice in the Copyright Law

In 1987, Government of Indonesia to change the Law of Copyright Year 1982 to put forward four basic wishful law contained in *mukadimahnya*:

1. The provision of legal protection for copyright is intended as an effort to create a better climate for the growth and development of a passion for creativity in the fields of science, art and literature;
2. While increasing national development activities, particularly in the fields of science, art and literature, copyright infringement has also developed, especially in the form of piracy;
3. The copyright infringement has reached a dangerous level and can damage the life of the people in general and the interest in creating in particular;
4. To resolve and stop copyright infringement, it is deemed necessary to amend and improve several provisions in Law Number 6 of 1982 concerning Copyright:

The enactment of the 1997 Copyright Law as the Copyright Law in lieu of the 1987 Copyright Law, uses three legal considerations which are at the same time the objectives of its enactment which are quoted as follows:

1. Provision of more effective legal protection for Intellectual Property Rights, especially in the field of copyright, needs to be further improved in order to create a better climate for the growth and development of the spirit of creation in the fields of science, art and literature, which is very much needed in the implementation of national development aimed at the creation of a just, prosperous, advanced and independent Indonesian society based on Pancasila and the 1945 Constitution.
2. Carry out the obligation to adjust national laws and regulations in the field of Intellectual Property Rights including copyrights to TRIPs.
3. Amend and improve several provisions of Law Number 6 of 1862 concerning Copyright as amended by Law Number 7 of 1987 by law.

Legal considerations Act Copyright 1997 compared with the legal reasoning used to change the Law of Copyright 1982, there are some differences which is quite striking that the Act Copyright 1987 the emphasis is more focused on aspects of copyright protection

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against copyright infringement which is deemed to have reached a dangerous level and can damage the life of the community in general and the minimum to create in particular.

The author argues that the process of developing copyright protection in Indonesia goes through two processes, namely by voluntary and then by coercion with the following description:

1. By voluntary means (*voluntary*)

   The process of the development of voluntary, there is the development of the Law of Copyright in the period *Auteurswet* 1912 Copyright Act No. 7 of 1987. Over the past 70 years, Auteuret 1912 void under Statute 1912 No. 600 who contested tukan by the colonial government. In 1958, the decision of the Cabinet of Prime Minister Ir. Juanda, that Indonesia does not participate as a member of the Bern agreement for the Protection of Literary and Art Works. On January 9, 1965, a Copyright Bill drafting committee was formed which succeeded in compiling the Copyright Law Draft consisting of 40 articles. Then, in 1982 the new laws of copyright (Noerhati, 1997).

   To provide protection for creators of literary and artistic works, the Indonesian government was promulgated the 1982 Copyright Law. Then the 1982 Copyright Law underwent a development by making changes to the 1987 Copyright Law. Changes to the law in a relatively fast period were motivated by the following two things:

   a. Granting legal protection of copyright is essentially dimaksudka n an effort to mewujudk 's a better climate for the growth and development of creative passion in science, art and literature;

   b. In the midst of increasing national development activities, particularly in the fields of science, art and literature, copyright infringement has also developed, especially in the form of piracy;

   Thus, it is clear that changes of Act Copyright 1982 to 1987 carried out by the voluntary (voluntary), the existence of a need to provide protection to the creators or local artists Indonesia that Indonesian culture to grow and have a positive climate. In addition, in the 1982 period there were copyright infringements. In this change, what is interesting to note is the increased recognition of creativity as a personal right, social functions are recognized, but the authority of the state is also limited, in addition to the recognition of foreign copyright which now has a place. This shift in attitude is a shift from state ethics to human rights ethics which should be highly respected, because human awareness as a normative will is supported (Noerhati, 1997).

2. By force (*forcing /* coercion).

   The author argues that after the period of the 1987 Copyright Law, the development of copyright law protection in Indonesia was carried out by force. The author is of this opinion on the grounds that since the 1987 Copyright Law, namely Law Number 12 Year 1997 was colored by foreign influence in the form of the *General Agreement on Tariff and Trade* (GATT 1994) where one of the aspects is TRIPs (*Trade Related Aspect of Intellectual Property Rights).* Juridical implications for Indonesia as a member of WTO, then Indonesia must adopt TRIPS d natural laws of its national. According to the *Agreement regarding Trade Related Aspects of Intellectual Property Rights*, *including trade in counterfeit goods* attached to the master agreement regarding the WTO, each member of the WTO is required to in their national domestic law also contain provisions that provide protection to aspects of IPR *(Intellectual Property Rights*), this includes the trade in counterfeit goods (*including Trade in Counterfeit Goods*). At least or at least the members of the WTO must provide in this domestic law the same protection as stated in the TRIPS. However, they are not required to "exceed" in providing the protection in question. And members are also considered free to determine for themselves the most appropriate way to incorporate the provisions of this TRIPS into their legal system and legal practice.

With the enactment of Law No. 6 in 1982 on H ak C i pta later amended by Law No. 7 in 1987 and U ndang- U ndang No. 12 year 1997 until the enactment of copyright law latest U ndang- U ndang No. 19 of 2002, which became effective on 23 July 2003, it has been unable to provide adequate protection to the works of copyright, particularly piece of music. This can be seen from the high rate of piracy of music in the form of cassettes, CDs and VCDs in Indonesia in 2001 reaching 600 percent and in 2002 it increased sharply to 1000 percent with total losses for the recording industry of around 11 trillion rupiah. In 2003 it reached 90% with total losses of more than 14 trillion rupiah (Keadilan, 2003).

Based on the utilitarian theory, the state must adopt several policies (for example, making laws and regulations) that can maximize the existence of its members. However, the utilitarian theory allows exceptions to copyright protection in the public interest. It is shown that there are several exceptions in copyright which have colored the development of copyright law, such as the use of works for educational, research purposes etc. In addition to the rights owned by creators and copyright holders under Article 2 and Article 3 of Law No. 12 Year 1997 concerning Copyrights, there is a right which is called economic rights *(Economic Rights)* that the rights owned by the creator or copyright holder to benefit economy of creation which consists of the right to:

1. Producing works of all kinds
2. Circulating reproduction of works to the public
3. Rent out reproductions of works
4. Make translations or adaptations

5. Announcing works to the public

Enforcement of the Copyright Law must prioritize the principle that this law is really made to provide universal justice, thus with regard to copyright protection, everyone in this country is no longer allowed to measure the sense of justice based on their own subjective perspective. . Everyone is not allowed to think that what is fair is what benefits him, without the need to understand the rights associated with protecting the creations of others. Thus, it is necessary to instill an awareness that piracy of a copyrighted work is a criminal act and just like any other crime, piracy of a copyrighted work will be subject to strict and real sanctions. Changing this vision requires process and time, and is a challenge for the government and all parties concerned to make it happen. Furthermore, it must be fully realized that the birth of the Copyright Law is not solely for implementing the TRIPs-WTO agreement, but is further aimed at achieving order and justice in the field of copyright. Thus, international interests and national interests must always go hand in hand, even in many cases priorities must prioritize national interests first. As a good law, a legal product such as law in its enforcement must adhere to the principle that the law must optimally provide a sense of justice and peace to the community through a well-maintained climate of order, as well as the Copyright Law.

LEGAL EXPRESSION IN COPYRIGHT LAW

Basically, the changes made Law about copyright years 1997 against copyright provisions by Law about copyright years 1987 includes two kinds of furnishing and addition of each breakdown as follows:

1. Some improvements:
a. Definition of creation

By the Law about copyright years 1997 Article 1 paragraph 2: Creation is the result of any work of creators in a distinctive form and show originality in the field of science, art and literature. The definition of this creation is a refinement of the definition contained in the Law about copyright years 1987.

Improvements is intended to further confirm that a creature which for example is a book for copyright protection needs to meet the following elements:

1) In a distinctive form, which means that the published book has been completed so that it can be seen or read.

2) Shows authenticity, which means that the book published is a work in the field of science, or art or literature that results from the writer's personal ability and creativity

b. Protection of an unknown creation Changes made Law about copyright years 1997 against Law about copyright years 1987 in the form of refinement Law about copyright by completing the Law about copyright years 1987 Article 10A with words for the benefit of its creator. This improvement is intended to confirm the status of copyright in the case where the work is not known by the creator and is not or has not been published, just as the creation is appropriate.

c. Protection period In Law about copyright years 1987, Article 26 does not set the creations of translations, interpretations, adaptations, anthologies and other works from the adaptations that protection during the life of the author and continue until 50 years after the creator's death.

d. Exceptions for copyright infringement Based on the Law about copyright years 1997, Section 14 (a) stipulated that provided the source is to be called, the following shall not be considered a violation of copyright, namely the use of another party's creation for educational purposes, research, scientific writing, preparation of reports, writing criticism and reviewing a problem provided that it does not harm the reasonable interests of the creator (Article 14 letter (a))

e. Rights and authority to sue Law about copyright years 1997 Article 42, when compared to the same article in the U ndang- U ndang H ak C ipta 1987, set more firmly defend the rights and the authority to sue to protect the economic interests of creators and identifies the role holder copyright and the role of district courts.

In substantive, there are 10 provisions of the new in the list in the Law Number 19 Year 2002 on Copyright. Tenth provisions of these are as follows: (Utomo, 2010)

1. The database is a protected work;
2. The use of tools of any kind via cable or without cable, including Internet media, for screening products discs optic *(optical disc)* through audio media, audio-visual media and / or means of telecommunications.
3. Settlement of disputes by Pengadilan Niaga, arbitration or alternative settlement of disputes.
4. Determination while the courts to prevent the loss of more substantial for holders of rights;
5. The deadline for processing civil cases in the field of copyright and related rights, both at the Commercial Court and the Supreme Court;
6. Inclusion of electronic management information rights and technology control tools;
7. Inclusion of monitoring and protection mechanisms for products using high - tech production facilities;
8. Criminal threats for violations of related rights;
9. The threat of punishment and fines minimal;
10. The threat of punishment against the propagation of the use of computer programs for the benefit of the commercial is not legitimate and against the law.

Juridical Analysis of the Development of Copyright Law in Relation to Legal Purposes

Apart from the development process U ndang- U ndang H ak C ipta both sukrela or coercion, we need to realize that Indonesia has acknowledged the same time trying to provide optimal protection against a work and to the creators to get right its economic and moral rights. Roscue Pound held three main categories of interests protected by law, namely: (Soetiksno, 2008)

1. *public interests*
2. *social interests*
3. *private interest*

In terms of foreign intervention, it is the result of the current globalization that is sweeping the world today, where changes in the value system in people's lives cause various problems so that it needs to be regulated by legal rules as law making and requires law enforcement as law enforcement. This is important to implement because changes in values will continue to occur and is a reality that cannot be ignored (Manan, 2009). The politics of law regarding copyrights, patents and trademarks cannot be separated from the interests of these rights which are owned by foreigners. The laws and regulations of any country are always made by humans with a basic thought (mindset) in their minds. This basic thinking can be influenced by many factors such as ideological or religious beliefs, experiences, or knowledge as well as interests. These interests can also be of various kinds (personal interest, group or party interest, people's interest or foreign interest).

Of all the factors above, the most dangerous is when foreign interests dominate. Although the interests of the people at large may be wrong or contrary to certain beliefs (ideology and religion), at least the real effect will only be felt in the long term when the people of the developed countries in the West realize it. However, if foreign interests are dominant, then it can be guessed that in a short period of time these laws and regulations have caused widespread disasters for society. In the framework of legal reform thinking that occurs in Indonesia, Solly Lubis mentions that there are two views that influence each other, namely first: changes made dogmatically, namely changes that are carried out as a whole and their implementation is carried out very carefully with very in-depth research by involving all related elements and communities that accept change. This group tends to maintain moral and cultural values in the framework of fostering National law, second: changes that are empirical in nature, namely changes that are implemented by first making laws or other regulations that are considered important and urgent according to needs (Lubis, 2002).

In line with the aforementioned matters, in relation to the changes implemented in Indonesia, Satjipto Rahardjo argued that the application of legal changes should be distinguished between legal development and the activity of changing an existing law. Therefore, the legal amendment activities that are being carried out in Indonesia have their own characteristics and are independent (stand alone). Changes in law are not solely carried out because the law is felt to be inadequate to regulate people's lives, but Indonesian society itself has now undergone changes and these changes are fundamental in nature which have the aim of creating a new Indonesian society in accordance with the laws that live in it society (Rahardjo, 1981). Lawrence M. Friedman argues that in relation to legal changes, these changes can occur in three elements that are very dominant in the law, namely, first: the legal structure is a pattern that shows how the law is carried out according to its formal provisions. This structure shows how courts, lawmakers and other legal entities run and are run, second: the substance of the law is the rules that are used by legal actors when carrying out their actions and legal relations, third: legal culture. Regarding this matter, it comes from the people or users of legal services such as the court and if the community chooses the court to resolve the case that occurs, the community will have a positive perception of the Court. Community culture is very important in the context of legal reform and community reform (Friedman, 1975). All of these still have their respective parts, because a system without the components in it will become redundant (Salman & Sutanto, 2004). Besides that, the change in law should be directed at the creation of a legal system that allows the people's basic rights to be respected, fulfilled and protected.

INTENTION OF BENEFITS IN COPYRIGHT LAW

Regarding the Copyright Law, there is an interesting research result conducted by I Ketut Wirawan regarding Legal Culture and the Function of the Copyright Law: The Case of the Balinese Artist Community. This research regarding the views of the Balinese artist community towards monopoly and the imitation of copyright works that are given to the creator by the Copyright Law does not have the proper place among Balinese artists. Researchers have come to the conclusion that the basic cultural values of Balinese indigenous peoples still provide a place for the practice of imitating copyrighted works. Providing an opportunity to imitate a copyrighted work is seen as providing employment opportunities for other parties. Working (doing karma) in the Balinese customary law community is a necessity that must be done in living life as a human being. Work is also fulfilling karma (lust / desire) which is a human instinct in life.

Of the 20 statues he has made, one of I Made Same's works was registered with the Directorate General of IPR in 1993, and a copyright certificate has been obtained. Dip erolehnya copyright certificate is a separate award for I Made Same above the crowd poured in the form of sculpture art with its own uniqueness. Currently, the success of I Made Same has inspired many other sculptors to create the same model, even a sculptor near where I Made Same has made such a statue, but until now he has not made any demands or complaints against this imitation. I Made Same is of the opinion that other people also have the right to earn a living by making sculptures as he does. Occasion, n menitu that I a given considers the placement of Karma Yoga teachings and Chess Purusharta, where he has given the opportunity for others to work meet his living by providing opportunities imitate his work. He

also understands the right of all people to fulfill their daily needs (ama) through the search for artha, even though it is done by imitating it, as long as it is still within the circle of dharma (religion). Even if in the society only he himself could earn it will cause an imbalance in the environment, which will lead to jealousy and unfair competition, which ultimately lead to lack of stalled peace n that will be difficult for him (Wirawan, 2000).

Based on the description above, it can be illustrated that in the formation of a law with the aim of providing protection for intellectual works, it does not necessarily mean that there is a place for people who are the target of protection for those concerned because there are differences in perceptions between the artists in Bali and the government, especially the legislature who authority to form laws.

When viewed in terms of legal development compared to community development, law can be differentiated as follows:

1. *Social Engineering* Law
2. *Progressive* Laws
3. *Slow Motion Law*
4. *Stagnant Law*

The movements of the four legal models function and develop differently, with different consequences as seen in the movement of the four legal models function and develop differently, with different consequences as shown in the following table this:

Table 1. Table of Functions, Development and Consequences of four legal models

Type of Law	Development Public	Development Law	Consequences
Social Law Engineering	Up	More advanced	Engineering society
Progressive Law	Up	Up	Development
Slow's Law Motion	Up	Less advanced	Maintaining pattern / stability
Stagnant Law	Up	Not going forward	Anarchy / turmoil / reform
Stagnant Law	Highly advanced	Very not advanced	Social Revolution
Stagnant Law	Not going forward	Not going forward	Isolated / uncivilized society

If the views seen in terms of legal changes with changes in society, the development of the Copyright Act which is characterized by the formation of IPR legislation is a proactive change. In this case, the community has not yet practiced these changes, but there are already developing ideas about the changes in question. Then, before the community practices the changes referred to, the law has been changed first, so as to accelerate changes in community practices. In this case, the phrase "law as a means of engineering society" applies (law as a tool of social engineering).

The view that law is not just passive waiting for change, but active in creating change, where the role of law in development is to establish infrastructure for achieving political change, economic change and social change in society. Undang OF Copyrights are in formation in addition to overshadow the background by the Ratification of the TRIPS Agreement has the aim to provide protection to the works of creation consisting of arts, science and culture to create a climate conducive to creating a masterpiece for example such as music, painting, software that able to boost the national economy. In terms of realizing these goals, it is the society that needs to be changed. The public must be engineered so that they behave in accordance with what is expected from the Copyright Law, for example, is the reduction of community behavior in violating the provisions of the Copyright Law, such as pirating CD / VCD for copyright, selling pirated CD / VCD in several places. To carry out these social changes, the Copyright Law is equipped with sanctions to create a threat and deterrent effect. And these sanctions are of course directed not only to the perpetrator of copyright infringement but also to any person or entity who enjoys the results of such copyright infringement, for example as a person who participates in selling (distributes).

Law of Copyright as an engineer social for inventors, creators, inventors characterized the filing of petitions to the Directorate-General H ak K ekayaan I ntelektual to obtain or recognized the right to work of intellectual though Act Copyright does not oblige to the request. Based data statistic Direktorat Jendral Hak Kekayaan Intelektual:

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Figure 1. Data Statistic Total Request Copyright Directorate Jendral Hak Kekayaan Intelektual
Source: http://www.dgip.go.id/statistik-hak-cipta

Source: http://www.dgip.go.id/statistik-hak-cipta

Social engineering Rights Act reserved to the general public, authors argue has not shown signs that lead to what is desired by the Copyright Act. In the development of copyright law in Indonesia from Auteurswet 1928 to U ndang- U ndang Copyright most recently, the author get a fact in the form of data, that during the change per change U ndang- U ndang Copyright, is not followed by obedience masyarat against copyright In other words, in every amendment there are always copyright violations, both local and foreign works.

Se has Copyright Law No. 19 Year 2 002 was enacted, as many as 192 cases of infringement of intellectual property rights occurred in the period from July to December 2008. Of the 112 cases of violation of intellectual handled by the police, 106 cases related to infringement of copyright, three cases in the field of brand, and three cases in the area of industrial design rights (VIVA, 2009). The description above is able to illustrate the disobedience of the Indonesian people to every Copyright Law that has ever been in effect, especially from UUHC Number 6 of 1982 to Copyright Law Number 19 of 2002. Based on data held by the National Police Headquarters, there are 251 cases. Related to copyright infringement that was discovered by the authorities in 2004, while in 2005 and 2006 it jumped to 423 and 1439 cases. This made Indonesia included in the USTR (United States Trade Representative) priority watch list from 2001 to 2006. Throughout 2019, the Ministry of Law and Human Rights noted that trademark violations were the most complained of. The number of complaints submitted to the Directorate General of Intellectual Property (DJKI) of the Ministry of Law and Human Rights was trademark infringement (34 complaints), followed by complaints of copyright infringement (7 complaints), patents (2 complaints), and industrial designs (4 complaints) (CNN INDONESIA, 2020).

Based on the data that the author has presented above, the behavior of the Indonesian people towards works shows the category of lawless behavior. In other words, the role of the Intellectual Property Rights Law as a means of social engineering that should be able to manipulate people who do not comply with the law towards law-abiding people in the field of IPR is not optimal. B erdasarkan observation Writer, goods worth allegedly produced by ignoring the Law of Copyright prevalent in the community. For example, in several places, including public and open places, there are stalls selling pirated CDs / VCDs. Duplication of pirated optical discs is still the belle of offenders. Optical disc violations account for up to 90 percent of copyright infringements.

Juridical Analysis of the Development of Copyright Law in Relation to Legal Purposes

In order to be able to carry out a holistic study of law and social reality, an empirical approach is needed that allows observing the operation of the law. In this case the law must be seen as a system consisting of three components, namely the substance of the law (rules and norms), the legal structure (institutions or law enforcers) and legal culture (ideas, attitudes, beliefs, hopes, and views on law). Legal substance laws of copyright, author assess've been nice to oversee the protection of copyright, in terms of the scope of copyright protection, the type of crime that is a regular offense (not a complaint) sanctions, existence. The structure in the sense of law enforcement officers that the author highlights is law enforcement officers, especially the police. With regard to ordinary offenses (not complaints), the police should be the morning entrance to enforce copyright infringement in the field. But in reality, the field is still a seller's stalls of pirated VCDs were so many, in several Indonesian cities still are stalls selling pirated books or not the original bought and traded freely. In essence, copyright law 19/2002 has imposed sanctions on people who pirate, distribute and sell pirated goods.

In terms of legal culture, although the Law of Copyright has changed from year to year 5 times accompanied by sanctions is augmented and diperlkuas scope, it is not to scare the people of Indonesia to remain in violation of a work of creation such as piracy CDs, VCDs, DVDs, download songs or movies on the Internet. According to the author's opinion, this is inseparable from the habits of most Indonesians who like to imitate or imitate, like to think practically and economically. So Copyright law The authors say failed to become a means of control and means engineers social. Even in the extreme, specifically to the development of the Copyright Law, the public was being left behind by the law. Indonesian society is not ready by the presence of U ndang- U ndang Copyright though the description of the previously mentioned that one of the development process copyright law is by voluntary / voluntary.

CONCLUSION

Based on the results of the research, it is known that, the purpose of law is as a tool for social engineering, so that the Intellectual Property Rights Law is also a social engineering tool aimed at making law-abiding society towards law-abiding society in the field of IPR is not optimal. The development of the Copyright Law in relation to legal objectives can be seen from the substance of the law, the copyright law is good at guarding copyright protection, in terms of the scope of copyright protection, the types of crimes that are ordinary offenses (not complaints) of sanctions, existence. Judging from the legal structure, in this case law enforcement officers, especially the police. Where cases of copyright infringement in Indonesia are ordinary offenses, it should be a morning entry point for police officers to enforce copyright infringements in the field. However, in reality, there are still many stalls selling pirated VCDs. In terms of legal culture, although the Law of Copyright has changed from year to year 5 times accompanied by sanctions is augmented and diperlkuas scope, it is not to scare the people of Indonesia to remain in violation of a work of creation such as piracy CDs, VCDs, DVDs, download songs or movies on the Internet. This is inseparable from the habits of most Indonesians who like to imitate or imitate, like to think practically and economically. So the Author's Copyright Law says it failed to become a means of control and a means of social engineering. Even in the extreme, especially regarding the development of this Copyright Law, it is the people who are left behind by the law. The Indonesian people have not been able to implement the Copyright Law, this has made the Copyright Law far deviated from its legal purpose, namely as a tool for social engineering.

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Impact of Covid 19 Outbreak on Urban cities in India

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ABSTRACT: According to the UN habitat report 2020, the next decade is considerable to see a rise in urbanization which may range to 60.4 % by 2030 as compared to 56.2% in 2020. Hence the current article intends to unravel the impact of Covid 19 on cities globally. The world cities report 2020 and Covid 19 Response plan 2020 by UN Habitat will be reviewed to get a better understanding of the overall condition of cities globally. Furthermore, the article also focuses on studying the major challenges in urban areas as mentioned in the UN habitat report like high risk for transmission, impact on economic activities, urban inequalities and coping mechanisms, by considering major cities in India. Lastly, it deals with the suggestions on how to enhance urban growth by tackling the prevailing issues so that sustainable cities can be developed which will accommodate the influx of people in the upcoming years as estimated by the UN habitat report 2020.

KEYWORGD: Urban cities, Covid 19 outbreak, Economic downfall, Urban Inequalities

BACKGROUND

Cities are widely perceived as a place of hope where an individual envisages to live a free and comfortable life distant from various stresses and also yearns to be financially stable. Nevertheless, the above notion has not disclosed the harsh struggles faced by people who migrate to cities from rural areas. In particular, the phenomenon of migration towards cities must be further exemplified with the help of the urbanization process. According to Turan & Besirli (2018) "Urbanisation is considered as an increase in the number of cities and the overall urban population". The authors have also argued that the understanding of urbanization was limited to the demographic features like people's movement from villages to cities(as cited in Turan & Besirli, 2018). However, it was stated that the social, economic and psychological determinants must be examined to get an overall understanding of how urbanisation impact an individual. Furthermore within the concept of urbanization there consist of a push/ pull factor to determine the process. Ludermir AB, Harpham T (1998) have termed social drift as a concept that points out how individuals are incline to migrate to a particular area(as cited in ibid). Although the authors have placed the notion of social drift in the ambit of urban mental health, there exists a need to consider this phenomenon within urban studies to further understand the pull factors. While analysing the pull factors, better living conditions, economic opportunities, access to basic services, health, and education were major contributors towards migration. On the contrary conflict, reduction of land area, unemployment are some of the major push factors(Turan & Besirli, 2018).

The world cities report encompasses the impact of Covid 19 cases in cities on how it had affected the economy and people at large. Besides, the SDG 11 agenda, Sustainable cities and communities were focused upon by stating that there exists a need to address issues like poverty, affordable housing, reduce inequalities, minimise excessive land consumption (urban sprawl), more green spaces, access to services (like health, transportation, manage overcrowded spaces and lastly imply on local action for climate change. In fact, the report instills a positive outlook on how "Covid 19 is not the end for cities" and what measures can be taken at the local government and community level to address the highlighted issues. Meanwhile, the UN Habitat Covid 19 response plan 2020 has pointed out three major areas to be intervened. The first part focused on the informal settlement areas by supporting local government bodies and "community driven solutions". Moreover the lack of appropriate sanitation and water facility in these areas where the alarming factors that need heed to reduce the transmission of Covid 19 as well as curb the people from being vulnerable to other public health diseases and hunger. The second area emphasise the usage of ICT(Infor) to track Covid 19 hotspots, procuring data on quarantined people, capacity building for response force mainly frontline workers. The last action area focused on developing a recovery plan to tackle the economic impact created by the lockdown. The recovery plan has highlighted the dire need for change in policies for both formal and informal sectors. And it had also stressed the need for an increase in monetary support to municipality's sot that essential services are available to its residents. Furthermore, the UN Habitat has estimated an amount of 72 million USD for meeting to help 64 countries from the Covid induced challenges.(UN Habitat, 2020b, 2020a)

After analysing both the reports, it can be summed that there consist of key areas like cities hub for transmission, economic downfall, urban inequality and coping mechanism that needs to be further studied upon, Hence the article envisages on building a

discourse under each challenge mentioned above, where such instances in major cities of India will be studied to have a reflective analysis of the issues. Each section highlights the major challenges faced, what all factors apart from the pandemic contributed to it, how people were affected and local level interventions taken up by local authorities and residents.

CITIES A HUB FOR COVID 19 SPREAD

According to UN Habitat report (2020), out of the total number of Covid 19 cases globally, over 95 percent came from the urban areas. The above statistics portray how vulnerable cities are towards Covid 19 spread. Besides, the report had also pointed out how the Asia Pacific region in the global south is at a high risk of Covid 19 transmission as a result of rapid urbanisation. In particular, the major reason behind the rapid spread was due to the interconnectivity that most of the cities have which led to the scenario. Further, the exemplifying interconnectivity, the case of Africa was considered to illustrate how the virus spread from the airport to nearby cities (cite). Nevertheless, the issue of interconnectivity cannot be solely blamed as the airports as well as other transportations must also focus on having stringent surveillance on the people.

In addition to the urban centers being the hub for pandemic spread, there exist another issue which was overcrowdedness (Shari & Khavarian-garmsir, 2020). And the urban periphery areas were more prone to overcrowding due to the morphological setup of informal settlements. In a recent study by Biswas (2020) an analogical inference was made on the floor area occupied by a city dweller with that of a prisoner in India. The results portray that the poorest 60 percent of city dweller had floor space of 72 sq ft which was way less in comparison to prison and the case of urban slums were even worse. Nevertheless, Wasdani & Prasad (2020) highlighted how the extent of overcrowdedness in urban slums in India had made it difficult to stay in quarantine and also to maintain physical distancing. The case of Dharavi slum in India was a prominent example of how the high population density of 270,000 per sq km had made the physical distancing etiquettes tough(UN Habitat, 2020b). Furthermore, the difficulty in home quarantine for a person living in a slum can be reflected from the analogy mentioned by (Biswas 2020), but the issue of physical distancing cannot be limited to a floor area. Instead, the reason behind the difficulty in maintaining social distancing in urban slums in India resulted from lack of access to a proper sanitation facility, water supply which forces the residents to move out of their area for it(Golechha, 2020; Shari & Khavarian-garmsir, 2020; Vardhan et al., 2020, UN Habitat, 2020)). Besides Connolly et al (2020b) have also added that the lack of access to basic services ranging from water, sanitation to health services were really poor in "peri-urban and suburban areas" which had those areas more susceptible to coronavirus transmission(as cited in Shari & Khavarian-garmsir, 2020).

Furthermore, Matthew & Mc Donald (2006) have emphasized the lack of supporting literature on the impact of a pandemic on cities. Whereas Wade, L (2020) have noted that the previous literature on cities and pandemic have extensively focused on urban inequalities(as cited in Shari & Khavarian-garmsir, 2020). Nevertheless, there is a dearth of literature when it comes to the impact of Covid 19 in cities and from the above discourse developed it can be ascertained how urban inequality is linked to the widespread of coronavirus disease in cities. Hence, the linkage of urban inequality with the rapid Covid 19 spread will be further analysed in the section on urban inequality.

ECONOMIC DOWNFALL AND ITS IMPLICATION

According to UN habitat report (2020), urban areas contribute around 80 % to the global GDP. In fact the unprecedented lockdown has made the urban areas bear the brunt of the economic shutdown. While comparing with the previous economic crisis of 2008 and the great depression 1929, the covid 19 pandemic had significantly impacted the global economy which was worse than the 2008 Subprime Mortgage Crisis(UN Habitat, 2020b). Meanwhile, the onset of economic downfall has impacted the development of cities as well as led to a surge in unemployment. Further, the World Bank has shed light on the case of urban planning and development by stating that the local urban bodies globally may incur a revenue decline of 15-25 % by 2021. The reason behind that was extensively discussed by Shari & Khavarian-garmsir(2020) where the lack of tax revenue in cities may impact the urban development projects.

Alongside the city development, another key area was the global unemployment scenario. As per the UN habitat report (2020), industries like tourism, food and beverage, leisure had witnessed a 75 % cut in jobs. Further, the World Tourism Organisation (UNWTO) (2020) has estimated a fall in international tourists by 20-30 % which will adversely impact Tourism, Aviation, and Retail. In most of the cases of unemployment in urban areas, both youth and women were largely affected by it. While specifically focusing on the impact of unemployment in the global south, there consist of various instances where the economic shutdown had affected the population. In the case of Bangladesh, it was reported that around 2.3 million workers in the garment industry were unemployed once their contract was withdrawn due to the cancellation of exports to developed countries (UN Habitat, 2020b). And still, now those garment industries are struggling post lockdown due to a lack of orders from developed countries[1]. Here the theoretical concepts like dependency theory (Raul Prebisch) and world system theory (Immanuel Wallerstein) can be inferred to

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[1] *Big blow for the big industry*. (2020, December 29). The Daily Star. https://www.thedailystar.net/business/news/big-blow-the-big-industry-2018829

understand how the core countries abrupt move to cancel order had significantly impacted the periphery countries largely. Various instances of labour exploitation, income inequality and lack of social protection can be witnessed in this case. Another case of unemployment can be traced in Africa, where 20 million jobs were lost due to a fall in commodity price (UN Habitat report, 2020). The above instance can be linked with the warnings given by Klein,N (2008) on how neoliberal policies may act counterintuitive to the democratic interest when it is handed over to private players (capitalists).

While analyzing the impact of Covid 19 on the Indian economy, the above circumstances of developing countries can be seen. The decrease in GDP as a result of extensive lockdown measures throughout the country was a major debate amongst economists, news media etc. Besides, Oswal (2020) have highlighted the grave impact on GDP during the lockdown period and has statistically estimated that each day during the lockdown had led to 14-19 basis point decrease in GDP of our country(as cited in Chaudhary et al., 2020). Meanwhile, most of the studies have indicated that the lockdown had led to the shutdown of the supply chain, a decrease in demand for goods and services and a fall in exports (Chaudhary et al., 2020; Sahoo, 2020; Shari & Khavarian-garmsir, 2020; UN Habitat, 2020b). Likewise, it is crucial to consider the extent of economic impact on sectors that constitutes the overall GDP. As mentioned in previous reports (UN Habitat 2020) the major impact was on the tourism, aviation sectors during the lockdown period. In India, the tourism industry has around 26.7 million workforces employed with a contribution of about 9.2 % of the GDP(Chaudhary et al., 2020). But the ongoing lockdowns, travel restrictions, had eventually led to the decrease in the operation of the industry at large, which in turn impacted their revenue. During this time it can be witnessed how certain aviation as well as tourism companies have carried out multiple wage cuts and lay off which drastically affected the employees[2]. Similarly, the export of goods from India had significantly fallen by 13.7-20.8 % in 2020 due to travel restrictions and lockdown in certain countries (ibid). In the case of the manufacturing sector a decrease of 5.5-20 %(rough estimate) as a result of low demand for goods especially the machines, motor industry and chemical products(Sahoo, 2020). Likewise, the retail industry had also faced a fall due to a decrease in demand for products.

In addition to the above sectors, the unorganised sector that constitutes half of the total GDP contribution was also impacted largely due to the shutdown of various industries. While connecting the dots of economic downfall amongst each sector discussed, the lockdown, physical distancing measure and decrease in demand for work were the major factors that led to the recession stage for the Indian economy at times of lockdown. Besides, it is also crucial to understand how cities tackled the economic downfall at times of lockdown to understands how various stakeholders worked together in managing the situation which will be further discussed in the coping mechanism of cities section,

UNCOVERING URBAN INEQUALITIES

The discourse on pandemic and cities in the previous section had ended up with a strong inference upon how urban inequalities was the major factor leading to certain areas like informal settlements in cities being more vulnerable to pandemic spread. In particular, it can be noted that the existing structural inequality in urban areas like the informal worker, people inhabiting in the urban periphery areas had an unequal status in comparison to the rest urban population. The above dichotomy can be seen in terms of job status where the blue-collar job worker did not benefit from the work from home model as their nature of work forced them to move out which violated the physical distancing norm during this pandemic(UN Habitat,2020). Furthermore, most of the informal sector workers bared the brunt of economic fallout and were pushed towards the harsh cycle of poverty. Nevertheless, inadequate savings, medical insurance, social security have made the condition of informal workers more deplorable. The lack of savings amongst informal workers can be briefly understood by the estimation given in Jan Sahas survey (2020) where 55% of migrant worker income was around 200-400 daily and had also pointed out that they feared hunger more than the Covid 19 virus(as cited in Chaudhary et al., 2020). Besides the Oxfam report (2019) had alarming statistical data which states that 73% of our country's wealth was owned by the one percent rich during 2017-2018. In contrast, the data on poor population has shown an increase of only one percent in their overall wealth. Thus the data intrigues upon the question of development for whom; the rich or poor and also reveals the humongous wage disparity that need grave attention(Chaudhary et al., 2020).

Apart from the inequality in income, lack of labour laws etc, there is a dire need to understand how morphological factors had led to various instances of inequalities amongst people living in the urban peripheries. A study by Vardhan et al. (2020) analyses four cities Mumbai, Delhi, Kolkata and Chennai to understand the urban vulnerability in India. Besides it has emphasised how certain slum areas mainly Dharavi and Kahra Talao in Mumbai was more vulnerable to the covid 19 spread due to lack of sanitation and clean water facility(Vardhan et al., 2020) . In fact, the above case was prevalent in other cities where the lack of access to treated water can be witnessed. Similarly, the issue of untreated water was emphasised by Shari & Khavarian-garmsir, (2020) and in addition to that, it also emphasised the improper management of wastewater in informal settlements and how it can lead to the manifestation of various water-borne diseases. The above spatial inequalities faced by people portray how urbanisation process is

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[2] Mukul, P. (2020, July 26). *Explained: What do the indigo layoffs mean for India's aviation sector?* The Indian Express. https://indianexpress.com/article/explained/explained-what-indigo-layoffs-mean-for-india-aviation-sector-6516473/

only helping big cities and the change should be made at the "urban governance framework" and making policies more inclusive(Kundu, 2014). Furthermore, there is a need for an urban development project which will cater to the issues in urban peripheries by making it more inclusive so that no area is left out. In fact, the urban inequalities which are structural in nature got magnified during this pandemic which had raised concerns on what all measures needed to be taken to reduce it. Hence, the change in urban policies with the support from local authorities, community organisaitons and civil societies can play a crucial role towards ensuring that the urban inequalities are minimised by enhancing the living condition of people residing in those informal settlements.

COPING MECHANISMS FOR CITIES

During the lockdown phase cities have responded to various needs of the residents from providing essential commodities in the doorstep, setting up a shelter for homeless migrants, and also on strengthening health care accessibility in slum areas. While considering various interventions in urban slums, the Dharavi model of combating the Covid 19 spread can be endorsed as the best strategy for various informal settlements across our country. In fact, there exist a lot of learning from the coalition group formed to address the issues present, Most prominently the public-private partnership role was a unique group set up by Bombay Municipal corporation with the help of local doctors, medical association and civil society organizations. As a team, they have engaged in effectively tracking the Covid 19 cases and also set up medical camps to address other public health emergencies in that area. Besides, the role of the corporate sector can be witnessed where they have extensively donated essential safety kits which encompasses gloves, mask, PPE kit, ventilators and oxygen cylinders. Moreover, the model also promoted community participation by making the local leaders, community based organisations accountable to the municipality on the status of quarantined people and other community issues(Golechha, 2020).

The shortage in supply of essential commodities during lockdown phase was a major hurdle that impacted many cities. However, the exemplary work done by Ahmedabad city Municipal Corporation was the major highlight of how the cites managed to provide essential commodities to the residents. They formed a network with vegetable vendors, electric auto rickshaw drivers and SEWA to ensure that the vegetables are delivered in each wards of the city by following appropriate safety etiquettes(Chen, 2020). The sheer innovation in such plans showcases how effectively sustainable cities can be envisioned. The lockdown period had also led to the circumstance where certain group of population mainly the migrants were stranded due to the travel restriction imposed. Amidst the migrant crisis across India, the work put forth by major cities in state of Kerala was an attempt towards providing shelter, food and support[3].

CONCLUSION

In sum, the Covid 19 pandemic outbreak must be considered as a test as mentioned by Rachaniotis et.al, (2012) where a nation's capability to save its people from the deadly virus attack and also ensure that the economy is revived amidst various adversities during that period(as cited in Khanna, 2020). The current article focused on reviewing the UN Habitat reports on pandemic and cities which guided towards exploring certain areas like rapid spread in cities, impact on the economy, urban inequalities and coping mechanism with reference to cities in India. Further, the section on cities a hub for covid 19 spread has explained how interconnectivity in cities and morphology of informal settlements were the major contributors to it. The impact on economic downfall has showcased the decline in GDP by analysing various sectors contributing to it. In addition to that, the decrease in demand for goods and services was the major factor that resulted in the economic downfall. While exploring the factors constituting urban inequalities it was ascertained that the existing structural inequality was visible and the only measure to tackle them is through an inclusive urban development project. The last part, the coping mechanism in cities had a positive connotation on how cities can tackle the adversity and develop at times of pandemic. And the innovative approaches undertaken by municipalities must be epitomised as the ideal sustainable city development model which must proliferate across various cities in India post-pandemic times so that the development is benefiting the marginalised and sustainable city models are developed.

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Ideological and Artistic Interpretation of "Makhbub ul-Kulub"

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Abstract: This article emphasizes that Alisher Navoi's work "Makhbub ul-Kulub" in the spirit of pandnoma is a work written in a mixture of prose and poetry. However, while existing research has interpreted this work as a work of prose, in some places there has been a reaction to existing research on the extent to which the poetic texts or passages in the work have been referred to one degree or another.

KEYWORDS: Alisher Navoi, "Makhbub ul-Kulub", prose-poetic form, morality, instruction, warning, time, moment .

INTRODUCTION

Thanks to national independence, significant progress has been made in the study and teaching of Alisher Navoi's works, which embody social, philosophical and moral views, and are imbued with religious, enlightenment and mystical beliefs. One of such priceless masterpieces is Alisher Navoi's "Makhbub ul-Kulub", which is the cream of his mystical views. It is no secret that "Makhbub ul-Kulub" contains unique gems of Navoi's poetry. One of the didactic works of the poet, the epic "Hayrat ul-abror", which reflects the ideological and artistic content of the epics "Hamsa", has been studied a lot from a mystical and mystical point of view. Literary scholar M.K. Muhiddinov, in his commentary on the definition of perfection in the first epic of Navoi's "Khamsa", made a comparative study with the work "Makhbub ul-Kulub".

Let us not take the poetic or prose work of the great thinker, in which there is no thought or wisdom related to the spiritual and enlightenment upbringing of man, because the word of wisdom, pand-u ogit, is imbued in the blood of Eastern literature. In "Makhbub ul-Kulub" the main theme is exhortation, moral views, which are expressed directly in each chapter through prose and poetic texts. Philosophical and moral conclusions are drawn.

Among the rare masterpieces of Hazrat Navoi, the work "Makhbub ul-Kulub" is distinguished by the diversity of themes, the breadth of meaning and vitality. The prose and poetic texts in the work immerse the book lover in his magical world with his description of society, man and his virtues and shortcomings, vital conclusions. Provides the student with detailed information about good behavior, high spirituality, ways of spiritual purification. It encourages the next generation to be aware of the virtues and flaws of all categories and strata of the society in which they live, to find their place in life, to live in gratitude to the Creator, to spend their lives meaningfully. In the 124th rebuke of the third part of the work, Navoi says about the spoils of time:

"Uyg'oqlig'da ne ollingga kelsa, qazodin ko'r, uyquda har ne tushungga kirsa, yaxshi yur.

Elning so'ziga har ne yomonliq mahmil topma, g'olib aduv mag'lubing bo'lsa, shar tarafin zohir qilib, xayr jonibin yopma.

Qaviy dushman zabuning bo'lsa muruvvat qil, karam va afv ko'rguzgil. Zolim va bedard suhbatida nukta surma, nammom na nomard muloyamatida dam urma.

Dono ilikdin borg'ondin so'z aytmas, o'tgan yigitlik orzu bila qaytmas.

O'tgan ro'zgor adamdur. Kelmagandin so'z aytqon ahli nadamdur va hol mug'tanamdur. Bir turk bu ma'nida debdurkim: «Dam bu damdur»".

> **Bayt:**
> *Moziy-u mustaqbal ahvolin takallum ayla kam ,*
> *Ne uchunkim, dam bu damdur, dam bu damdur, dam bu dam.[1.543-544]*

Commentary: See what happens when you wake up. What you see in your sleep is a good thing. Don't look for any evil in El's words. If the enemy is defeated, do not exaggerate the bad side and do not hide the good side. If a powerful enemy is captured, have mercy, do good, forgive.

Do not speak in the conversations of oppressive, careless and shy people. A wise man does not talk about what he has lost, the days of his youth will not return. He who speaks of the impossible is one of the people of regret, and now is the spoil. A Turkish mashayikh said in this sense, "Dam is dam".

> Byte:
> The past is not enough to talk about the future,
> Because rest is rest, rest is rest. (Seize the opportunity) [4.178]

Ideological and Artistic Interpretation of "Makhbub ul-Kulub"

Although less than six centuries have passed since Navoi's above-mentioned thoughts were mentioned, they have not lost their relevance. The young people of the 21st century can also draw their own conclusions and lessons from these lessons.

Alisher Navoi's work "Makhbub ul-Kulub" was studied by Yunus Latif, A. Kononov, A. Rustamov, H. Mamatov from the point of view of linguistics and text. This work has been recognized by Navoi scholars in foreign countries. His masterpieces have become famous not only among the peoples of the East, but also among the peoples of the West and Europe. In particular, in French oriental studies, the work of Alisher Navoi was studied by such professors as Professor Etienne Catremer, French-Alfonso Belen, Lucien Bouva.

In 1866, the second study of Mir Alisher Navoi's virtues, aesthetics and philosophical views, published in the series "Wise Men of the East", was published in the journal "Asia". The first eight pages of the study are devoted to the analysis of "Makhbub ul-Kulub". The remaining fifty pages are a French translation of the book and commentaries. The translator did not translate the work in its entirety, but translated into his own language only the chapters that he liked. Belen continued his research on "Makhbub ul-Kulub" and in 1872, in collaboration with the Turkish scholar Ahmad Wafiq Efendi, published the written text of "Makhbub ul-Kulub".

During the years of independence, all the works of Alisher Navoi have been republished in modern chapters. The poet's epics, scientific and historical works, memoirs and correspondence, which are included in the collection of twenty volumes of perfect works, enrich the human spiritual world, sharpen our minds, provide valuable information about the history of our country and its great figures. One of them, Navoi's latest major work "Makhbub ul-Kulub" was republished in 2011, 2018, 2019. It was the work "Makhbub ul-Kulub" that had the opportunity to be evaluated from the point of view of true artistic principles.

The editor-in-chief of Naqshbandiya magazine, literary critic Sultanmurad Olim, writes in his article "The purpose of the metaphor is the truth": "Alisher Navoi's "Makhbub ul-Kulub" is one of the most important and unique literary and artistic monuments, the essence of which is not fully understood."

"Makhbub ul-Kulub" (The Beloved of Hearts) consists of three interrelated parts. Part 1 contains 40 chapters. In it, the author describes the lives of typical representatives of his time. Part 2, which consists of 10 chapters, details the qualities of good and bad, praiseworthy and hateful. Part 3 includes rebukes - parables and proverbs. Each sentence is rhyming. The prostration of the work gave it a special artistic sophistication. The three parts of the work include byte-fards, rubai, masnavi, and qitas, which summarize the life and conclusions of the great poet and thinker.

Alimulla Habibullayev, a scholar who studied "Makhbub ul-Kulub" from the point of view of genre, writes in his pamphlet "Navoi pandnomasi": In "Makhbub ul-Kulub", the poetic passages sometimes logically continue the above-mentioned idea, and sometimes repeat the important parts of those thoughts in verse. In this way, Navoi seems to be calling for the help of the mighty power of poetry. Because it is believed that the idea expressed in poetry is more convincing. Noting this, Navoi himself says in "Makhbub ul-Kulub":

So`z ichraki yolg`on erur nopisand ,
  Chu nazm ettilar qildi dono pisand. [1.]

"This is not to say that the writer has turned lies into poetry," he said. We want to say that the power of poetry is reflected here. It is not difficult to read Navoi's strong belief in this power from the place of the poems in the play. Where did the byte, the rubai, or the continent come from? There is no room for any extra words - the chapter or topic changes. Not so in any other prose pandnoma. In particular, in the works "Gulistan" and "Bahoriston" after the poem the thought continues to develop. "[5.69.]

The first part of "Makhbub ul-Kulub", chapter 34, is called in the dhikr of Mubrim gadolar - Ojiz (shilqim) - in the dhikr of the weak gadolar. The poet describes the ungratefulness, laziness and arrogance of the beggars as far from Islam and devoid of humanity. The prose text is followed by four lines of poetry:

Nazm:

Bermak bo`lmas alarg`a inson hukmi ,
Yo odamu mo`minu musulmon hukmi.
Fosid axlotig`aki vojibdur daf`,
Bo`lg`aymu kishi beray desa jon hukmi.[1.476]

Navoi strongly criticizes the ridiculous beggars that are still found in our society today, saying that they are not human beings, not even Muslims. It is necessary to destroy the rubbish of the corrupt, because they cannot be counted as living beings.

One of the main artistic features of Alisher Navoi's "Makhbub ul-Kulub" is the combination of prose and poetry. While the wise writer created his own theory of life in prose texts, he ensured that his thoughts reached the people easily and quickly through poetry.

"In this work of Navoi, poetry is used for two main purposes:

1. To summarize and conclude the idea expressed in the prose statement. For example, in the third part of the work, there is a "rebuke" about the futility of not educating the gifted - oppression, educating the incompetent, and the idea ends with the following continent:

Qobilg`a tarbiyat erur ul nav`kim ,guhar

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Tushsa najosat ichra yug`ay kimsa ani pok.
Gar it uzumig`a kishi may birla bersa suv ,
Bu tarbiyat bila qila olg`aymu ani tok.[1.530]

On the continent, Navoi says that for a good man, upbringing is as precious as a pearl, and if Gavhar falls into the najasat (garbage), he can wash and clean it, and even if someone gives grape water with wine, it will not be a vine. He uses the art of fables as an example for good and bad upbringing. At the same time, he skillfully uses the art of tazad and tasbeh to express the content of the continent more vividly. Through these examples we can see that the ideas in the prose text are emphasized more effectively in the poem.

Or in the previous section, "The People of Dabiristan," Navoi praises the hard work of the schoolteacher at the same time. Some schoolteachers are hard-hearted and greedy… But anyone is tired of raising children… He concludes his remarks with the following verse, stating that the student has a duty to the teacher:

Haq yo'lida kim sanga bir harf o'qutmish ranj ila,
Aylamak bo'lmas ado oning haqin yuz ganj ila…[1.466]

Comment: Whoever gives you knowledge, you will not be able to pay for it

2. The poetic fragments of "Makhbub ul-Kulub", as well as the stories in it, are quoted to ensure the artistic nature of the work, to further strengthen the ideological intentions and mood of the author. "

The "rebuke" for persevering in doing everything without haste ends with the following verse:

Har kimsaki , aylamas oshuqmoqni xayol ,
Yafrog`ni ipak qilur , chechak bargini bol.

Comment: Whoever thinks of hurrying He can't do it all well.

In the verse, Navoi refers to the miracle of labor achieved through two relentless attempts in the natural world to prove his point in the "rebuke." Such verses complement Navoi's ideas in prose and strengthen their logic through proportions, qualities, and analogies. [3]

The general description of the poetic texts in "Makhbub ul-Kulub" is as follows: The preface of the work contains a total of six poetic texts (qita, masnavi, rubai, byte) and consists of 14 bytes (28 verses). In the first part there are 6 rubais, 7 continents, 7 masnavi, 17 bytes, 3 verses and 70 bytes (140) lines. In the second part there are 4 rubais, 3 continents, 1 masnavi, 14 bytes - 30 bytes (60 lines). In the third part there are 7 rubais, 18 continents, 12 masnavi, 56 bytes, 2 verses - 135 bytes (270 lines). At the end there is 1 rubai, 2 bytes, 1 historical poem - 6 bytes (12 lines), the play contains a total of: 255 bytes - 510 lines of poetic text.

In the second part of the work, the path to perfection is based on the principles of mysticism. From this section, the best way to get rid of evil is to destroy the nafs with riya'at, to live with purity with patience and contentment, to harden the soul, and to attain morality. The first step in overcoming the nafs and enjoying divine grace is repentance. The purpose of repentance is for the righteous, who have entered the path of truth, to be aware of all evil deeds, to renounce them completely, and to be purified in all respects. The second part of the work, which consists of ten chapters, deals with mystical terms such as repentance, asceticism, tawakkul, contentment, patience, humility, and manners, remembrance, tawajjuh, consent, and love. Also, after each ethical issue is theoretically summarized, a story is presented to substantiate the stated ideas. The second part contains 13 stories and 22 poetic texts.

Alisher Navoi's moral and educational views were greatly influenced by the teachings of Naqshbandi. Navoi scholar Sultanmurod Olim described this in detail in his book Naqshband and Navoi. The book contains information about the many ties between Bahauddin Naqshband and Alisher Navoi. The influence of Bahauddin Naqshband on Navoi is also shown in the work "Makhbub ul-Kulub".

Alisher Navoi belonged to the Sunni sect of Islam. The great thinker firmly defends each of the rules of the Shari'a and considers them to be programmatic in his work. Throughout his life, he built mosques and madrassas to spread religious teachings. In his works "Arba`in", "Munojot", "Nazm ul-javohir", «Makhbub ul-Kulub" he made an invaluable contribution to the process of spiritual upliftment of the people by propagating the moral principles strengthened by religious beliefs.

It is safe to say that "Makhbub ul-Kulub" is a work that reflects the rich life experience of Alisher Navoi, the final conclusions of his lofty thinking, which embodies almost all the advanced ideas and views of the Islamic world. The moral, philosophical and social views expressed in it, as well as poetic texts, which are poetic artistic expressions of these views, are among the primary sources that reflect various aspects of Navoi's genius. Expressing the poet's socio-political views, views on statehood and the rule of law, this work teaches people to be conscious, to achieve perfection in serving the Motherland, the people, the future generation, to be a perfect person. At the same time, such issues as the ways and means and conditions of perfection are considered on the basis of mystical views.

As in the main prose text of "Makhbub ul-Kulub", in the poetic texts he uses a variety of arts with great skill. In addition to the arts used in both poetry and prose, such as tasbih, saj, istiyora, fables, quotations, and tazads, the play also makes extensive use of the spiritual and rhetorical arts that are unique to prose. In particular, the art of translating poetry into prose - beautiful examples of the hall can be found in "Makhbub ul-Kulub". For example, in 123:

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Xiradmand chin so'zdin o'zga demas,
Vale bori chin ham deguluk emas.[1.543]

In verse 68, this verse is narrated in the art of hall as follows:

"Xiradmand uldurkim, yolg'on demas, ammo barcha chin ,deguluk ham emas".[1.524]

Examples show that "Makhbub ul-Kulub" is a valuable source for studying Alisher Navoi's poetry, his poetic skills, and discovering new aspects of it.

Although "Makhbub ul-Kulub" is one of the first examples of didactic works in Turkish literature, it was created at the end of Alisher Navoi's life and has not lost its significance to this day as a major moral and philosophical encyclopedia that comprehensively expresses his worldview. Many of the rubai, fards and proverbs in the work have become folk sayings and have become important guidelines for the education of future generations. [6,269]

In addition to advice, this book also contains information about mysticism. Rubaiyat, qita and hikmat, given in a pure Uzbek spirit, are the expression of the sage's spiritual views. Today's young literary critics reiterate that Navoi's fans need to be aware of the teachings of our blessed religion, the verses of the Qur'an, and mysticism in order to understand Navoi. After all, understanding Navoi is a great happiness.

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The Role of Strategic Diplomacy in the National Nuclear Power Plant Development Plan in Indonesia in Supporting Energy and National Defense

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ABSTRACT: Energy diplomacy as a country's foreign policy agenda in securing access to international energy sources. The significance of energy for a country can always be a cause or proxy for its foreign policy or even its military actions. The plan for the development of nuclear power plants in Indonesia in support of the climate change program is based on global agreements and is able to provide a deterrent effect on national defense. However, until now the role of defense diplomacy in achieving national interests has not been optimal and its achievements are still limited to defense issues only (Sudarsono et al., 2018). This study aims to analyze the role of diplomacy on energy and defense, where diplomacy provides a first treat on energy, thereby realizing national energy security supported by defense diplomacy. This study uses a literature study to collect relevant data related to energy diplomacy, nuclear power plant development plans to support the NDC program, and defense diplomacy. The results of the study indicate that a diplomacy synergy is needed in achieving the national interest. Defense diplomacy can be synergized with energy diplomacy, which in this case is able to accelerate the development of nuclear power plants in Indonesia which provides a multiplier effect both in terms of energy security in the issue of climate change, even to the deterrent effect of Indonesian defense. The effect of diplomacy on energy indicates that diplomacy has a significant role in politics and the economy that a country's energy can create.

KEYWORDS: Diplomacy, Energy, Defense, Climate Change

INTRODUCTION

Energy diplomacy can be regarded as one of the foreign policy agendas of a country aimed at securing access to international energy sources. Consumption of international energy that has never decreased, while the availability of resources from that energy is limited, it is necessary to coordinate between countries to manage and regulate international energy use through diplomacy, especially in the current multilateral international system. Through international energy diplomacy in the multilateral era, countries hope to be able to maintain their energy supply in order to fulfill their national interests (Kusumawardani, 2019).

The issue of climate change has driven multilateral diplomacy between countries in the world to overcome this. Global policy at the High-Level Conference of the Parties, 'Conference of the Parties' (COP26) on World Climate Change, 'United Nations Framework Convention on Climate Change' (UNFCCC) on 13 November 2021 resulted in a number of important decisions including including political affirmation of leaders and representatives of state parties that anthropogenic activities have resulted in a temperature increase of approximately 1,1°C whose impacts are already being felt worldwide. The implication is that emergency measures and efforts to deal with climate change in terms of mitigation, adaptation, and funding need attention. Political support and escort of the Indonesian Parliament to encourage public budgets and government climate diplomacy are important factors in fulfilling Indonesia's NDC commitments. The issue of funding to meet NDC commitments is, of course, a formidable challenge due to the large demand and the projected high funding needs, worth US$322.86 billion (Rp4,520 trillion) that the government needs to prepare. A number of things need to be targeted by the government to meet these funding needs (Hariyadi, 2021).

In Indonesia's national energy policy, the target for the NRE mix is 23% in 2025 and 31% in 2050 as stated in PP no. 79 of 2014 and Presidential Decree No. 22 of 2017 concerning RUEN. To achieve the target of 23% NRE in the national energy mix in 2025 will be difficult to achieve without the role of nuclear power plants. In addition, it is also a form of commitment in the Paris Agreement which is contained in Law No. 16 of 2016 which maintains an increase in the earth's temperature by 2°C.

Nuclear is a type of energy that has a multiplier effect on all national strategic sectors. One of the urgencies for the development of a Nuclear Power Plant (NPP) in Indonesia is the energy deficit that still occurs in West Kalimantan, until now the power supply of 230 MW is obtained from SESCO Sarawak Malaysia, which operates 100 MW at base load and an additional 130 MW at at peak load. The condition of a shortage of electricity supply in the Frontier, Remote and Disadvantaged (3T) areas at the border can

potentially be a military and non-military threat, which includes the ideological, political, economic, socio-cultural, defense and security aspects (Alwi, 2007).

This then indicates that the significance of energy for a country can almost always be a cause or proxy for its foreign policy or even military action. The influence of energy in diplomacy between countries indicates that energy has a very significant role in the politics and economy of a country. The importance of energy for the survival of a country can be explained through several reasons, such as; First, energy is more important to the economic and social development of the modern world than any other good or commodity; Second, hydrocarbon resources are distributed unequally in the world; and third, energy trade is often associated with the permanent infrastructure needed for the transportation of hydrocarbons and electricity, especially for industrialized countries (Selivanova, 2010: 49).

RESEARCH METHOD

This study uses a literature study to collect relevant data related to energy diplomacy, nuclear power plant development plans to support the NDC program, and defense diplomacy. The reference data obtained were processed in a qualitative descriptive manner.

DISCUSSION

The importance of energy for the survival of a country can be explained through several reasons, such as; First, energy is more important to the economic and social development of the modern world than any other good or commodity; Second, hydrocarbon resources are distributed unequally in the world; and third, energy trade is often associated with the permanent infrastructure needed for the transportation of hydrocarbons and electricity, especially for industrialized countries (Selivanova, 2010).

The plan to develop nuclear power plants in Indonesia is inseparable from the issue of climate change, which is a global concern and has an impact on Indonesia's national policies. We also need to realize that the implementation of nuclear power plant development also requires no small amount of money. The role of diplomacy is very much needed in realizing the development of nuclear power plants in Indonesia, both in terms of NDC funding in the issue of climate change through the development of new and renewable energy (including nuclear power plants), investment in nuclear power plant development, to defense diplomacy as a relay for the impact of energy diplomacy. The construction of nuclear power plants in the West Kalimantan region will change the defense aspect in maintaining vital national objects. As a border region, West Kalimantan faces a real threat that can endanger the National Obstetrics and Safety Committee. Cooperation involving various layers, both national and international, in the use of nuclear technology for peaceful purposes, needs to be continuously campaigned so that it can provide direct benefits for national development and people's welfare. This is in line with the vision of the national foreign policy proclaimed by the Government of Indonesia. Bilateral and multilateral diplomacy is directed at providing a concrete and direct impact on the community in the form of increasing the level of the economy and supporting various strategic sectors of national development.

Nuclear power plant as a new type of renewable energy which is included in the target of fulfilling the NDC commitment also requires efforts to implement its development in Indonesia. In terms of funding issues, meeting NDC commitments is of course a formidable challenge due to the large demand and the projected high funding needs, amounting to US$322.86 billion (Rp4,520 trillion) which the government needs to prepare. A number of things need to be targeted by the government to meet these funding needs. First, strengthening the support base for public funding and funding breakthroughs through other sources. Second, strengthening BPDLH to enforce governance and institutional credibility. Third, mobilize carbon tax funds. Political support and escort of the Indonesian Parliament to ensure the increasing sources of public funding and the success of the government's climate diplomacy to suppress the fulfillment of the promises of developed countries are important factors in achieving Indonesia's NDC implementation (Hariyadi, 2021).

In addition to nuclear power plants being a climate change issue in maintaining the increase in earth's temperature, there has been a paradigm shift in the use of nuclear in line with the expansion of the security concept. Previously, nuclear was understood only in a narrow (traditional) security context, namely for weapons purposes. Now nuclear applications are being developed in a broader context, namely a wider (nontraditional) security scope, namely to build various strategic sectors such as food security, energy security and a stronger economic foundation. Furthermore, Ambassador Djumala conveyed Indonesia's active role in carrying out nuclear cooperation diplomacy as a member of the International Atomic Energy Agency (IAEA). Through a down-to-earth diplomatic approach, Indonesia encourages IAEA cooperation with its member countries to be able to answer real challenges in various development sectors at the national level. The role of Indonesia's leadership in the capacity of the Chair of the IAEA Board of Governors in 2017-2018 has had a real impact on strengthening technical cooperation in nuclear applications, which has a much larger priority share than other IAEA technical programs that are supervisory in nature.

The plan to develop nuclear power plants in the West Kalimantan region is a strategic issue, where nuclear power plants, which will become a vital national object, have new potential and challenges for the dynamics of defense strategy. This makes the performance of defense forces in West Kalimantan must be reviewed and improved. The nuclear power plant will become a vital

national object (obvitnas) with a dangerous strategic value on the basis of potential threats and safety hazards to space and the public (Alfarasyi & N, 2019).

Article 7 of Law Number 34 of 2004 concerning the Indonesian National Armed Forces explains that the main task of the TNI is to secure strategic national vital objects. Protect against sabotage from certain parties that damage important installations and national vital objects. The national vital objects in question are those that are strategic in nature concerning the lives of many people, the dignity and worth of the nation, as well as national interests determined by government decisions. Security of National Vital Objects is carried out to prevent increasing threats and disturbances to National Vital Objects including acts of terrorism. Defense diplomacy according to Cottey and Foster is defined as the use of the armed forces and the Ministry of Defense in times of peace as a tool for foreign policy and defense policy, particularly for military cooperation and assistance (Sari, 2020.)
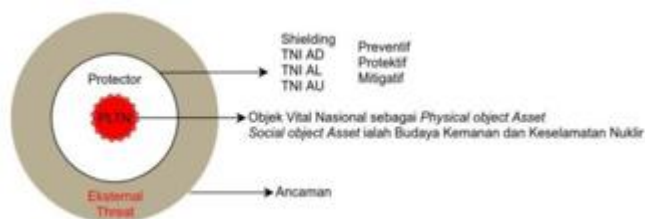
Figure. 1. Defense System against Obvitnas NPP
Source: Alfarasyi & N, 2019

Morgan explained that deterrence itself is a military strategy by taking prevention in a formal frontal war through the possession of nuclear weapons of mass destruction (Morgan, 2003). Back to Art's thinking, which explains that in carrying out a deterrence, there are certain conditions that must be owned by these countries (Art, 2009). The second condition is the ability of a country regarding its second-strike capacity. Second strike capabilities include the ground forces, namely the nuclear land base, the air force, namely fighter aircraft that are possible or can transport and launch nuclear weapons, and finally the navy, namely submarines with nuclear weapons capabilities (Morgan, 2003). With strength in these three aspects, it is hoped that the country will have a means of retaliation that can be feared if other countries choose to attack, in other words, that is to take precautions by showing their capabilities. After that, the third condition in deterrence theory is that the countries concerned may not even be involved in an armed conflict directly (Art, 2009). The direct involvement of each country in armed conflict can be a factor that makes it easier for both of them to make conflict decisions for the umpteenth time in the future for both countries.
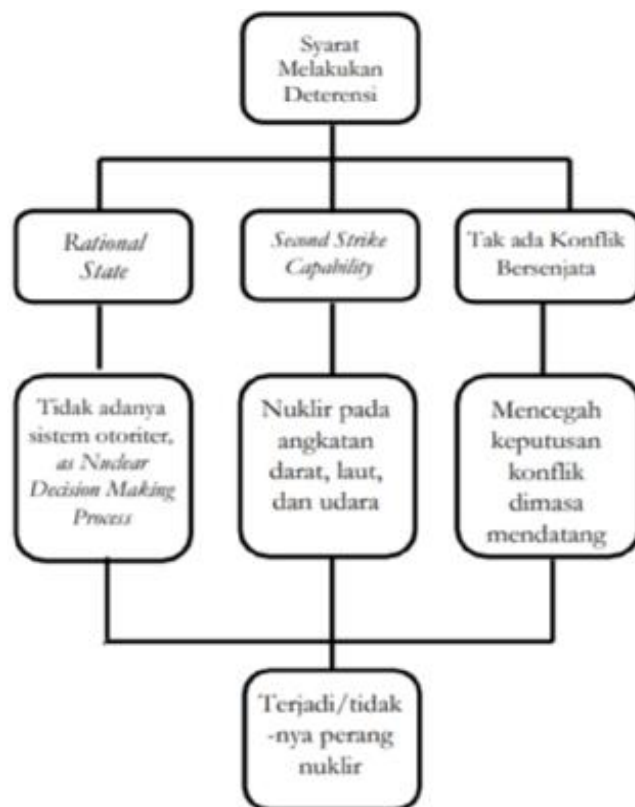
Figure 2. Indicators of Detergent Requirements of a Country
Source: Fajria (2018)

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The role of defense diplomacy in achieving national interests has not been optimal and its achievements are still limited to mere defense issues (Sudarsono et al., 2018). Total diplomacy should address the objectives of securing energy supply, accessing markets and outward investment, as well as ensuring the sustainable transformation of primary energy sources from fossil to renewable energy. Total diplomacy of Indonesia's energy sector will be supported through three activities: knowledge production, stakeholder engagement, and new public diplomacy (Winanti et al., 2020). Therefore, a diplomatic synergy is needed in achieving Indonesia's sustainable development. Defense diplomacy can be synergized with energy diplomacy, which in this case is able to accelerate the development of nuclear power plants in Indonesia which provides a multiplier effect both in terms of energy security in the issue of climate change, even to the deterrent effect of Indonesian defense. Diplomacy has a very significant role in energy and defense, where diplomacy provides a first treat on energy, thereby realizing national energy security. Furthermore, they are able to analyze defense diplomacy as a result of energy diplomacy.

CONCLUSIONS

The researcher recommends that further the role of defense diplomacy in achieving national interests is not optimal and its achievements are still limited to defense issues (Sudarsono et al., 2018). Therefore, a diplomatic synergy is needed in achieving Indonesia's sustainable development. Defense diplomacy can be synergized with energy diplomacy, which in this case is able to accelerate the development of nuclear power plants in Indonesia which provides a multiplier effect both in terms of energy security in the issue of climate change, even to the deterrent effect of Indonesian defense.

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Legal Analysis Regarding Ex-Convicts as Election Contestants Based on the Indonesian Constitutional Court Decision

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ABSTRACT: Ex-convicts must wait for a five-year gap after passing their prison term and announce their background if they want to run for governor, regent, or mayor, according to the Constitutional Court's decision Number 56/PUU-XVII/2019. The election of regional heads is an activity in the context of implementing a government system in the form of democracy. In the implementation of regional head elections, to get quality regional leaders, it takes qualified candidates promoted by political parties as well as those who run independently. Among the requirements for a regional head candidate, both at the provincial and district/city levels, a candidate must not be in a status of an ex-convict. The research method in this research was normative juridical. This research shows that based on the 1945 Constitution of the Republic of Indonesia, ex-convicts are also citizens who have the same political rights as other citizens. The existence of a provision that is a requirement to run as a candidate for the regional head in the election clearly limits or even negates a person's right to participate in exercising their rights. The decision of Constitutional Court No.42/PUU-XIII/2015 states that ex-convicts can participate in regional head elections with certain conditions.

KEYWORDS: Convicts, Regional Head, Constitutional Court.

A. PRELIMINARY

Indonesia is a democratic and constitutional country. In a democratic country, general elections, including regional head elections, are means to actualize people's sovereignty to play an active role in the administration of the state. General elections in Indonesia are means to form a democratic government through an honest and fair mechanism (Zazili, 2012). It is implementing people's sovereignty which is held directly, publicly, freely, confidentially, honestly, and fairly in the Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia (Law of the Republic of Indonesia Number 15 of 2011).

Every human right must be protected, fulfilled, and enforced by the state. But, in its development, not all rights must be absolutely fulfilled, some rights can be limited in their fulfillment and some rights cannot be limited in their fulfillment even in an emergency. The rights that may be limited in their fulfillment in an emergency are the so-called *derogable* rights, which consist of the right to express opinions, the right to move, the right to assemble, and the right to speak.

However, some rights cannot be limited under all circumstances, those rights are called the *non-derogable* rights (rights that are absolute in nature which cannot be reduced by the fulfillment of the state parties, even in an emergency) which in principle include the right to life, freedom from acts of torture, freedom from acts that are inhuman and degrading, freedom from slavery and servitude, freedom from retroactive laws, and freedom of thought, conscience and religion (Matompo, 2014).

Law in Indonesia plays an important role in society and has multiple functions for the good of society to achieve justice, legal certainty, order, benefit, and other legal purposes. However, the opposite situation can occur even often, where state authorities use the law as a tool to suppress society so that people can be driven to where the state wants them (Nazarudin, 2017).

In realizing a just and prosperous society, it is necessary to have the leadership of regional heads who develop regions throughout the archipelago. General elections are recognized by countries that adhere to the principle of people sovereignty and are held at all types of political levels, whether democratic, authoritarian, or totalitarian systems. By some democracies, elections are considered a symbol and also a benchmark of the democratic system. (Budiardjo, 2009) Elections are a logical consequence of the adoption of democratic principles in the life of the nation and state, where the basic principle of democratic life is that every citizen has the right to actively participate in the political process.

To actualize the ideals of the Indonesian nation, the existence of regional leaders in all regions in the Republic of Indonesia must be led by a clean and authoritative Regional Head who is wise and responsible in leading the region that his power and authority in his position, both as Regional Head as well as their representatives who can provide public services for the community and can carry out their role as the leader of the Regional Head.

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Regional Heads have the responsibility to lead their regions, uphold a sense of unity and integrity for all Indonesian people, and the unity of the nation based on Pancasila and the 1945 Constitution. The national objective as stated in the Preamble to the 1945 Constitution is "Then from that to form an Indonesian State Government that protects the entire nation Indonesia and all of Indonesia's bloodshed, and in order to promote public welfare, educate the nation's life, and participate in carrying out world order based on independence, eternal peace and social justice, the independence of the Indonesian nationality were drawn up in a Constitution of the State of Indonesia, which was formed in an arrangement of the Republic of Indonesia with people's sovereignty based on: Belief in the One and Only God, just and civilized humanity, Indonesian unity, and democracy led by wisdom in deliberation/representation and by realizing social justice for all the people of Indonesia."

The requirements for the nomination of Legislative Members (DPD) and Regional Heads, of course, are not always acceptable and even contradict the interests of the wider community. As is the case with the requirement "Never as a convict for committing a criminal offense punishable by a minimum prison sentence of 5 (five) years or more based on a court decision that has permanent legal force or for former convicts who have openly and honestly stated to the public that the person concerned is a former convict. (Law Number 10 of 2016)

Human rights are owned by every human being as a gift from God Almighty since humans are born. By having human rights, they can demand that their basic rights be fulfilled, the state also guarantees these human rights as stated in Article 24 of the 1945 Constitution, therefore there is no reason for the human rights to be revoked. The inclusion of human rights provisions in the constitution as a form of guarantee for the rights of citizens to protect human rights (Krisnapati, 2018). So, human rights are not rights that are owned because they are given by the community or based on positive law, but because of their position as human beings. However, every country has an obligation to guarantee and respect human rights, protect and enforce them in their respective countries. (Kusniati, 2011)

Regarding a similar norm in the Election Law, the Constitutional Court Decision Number 4/PUU-VII/2009 stipulates that the legal norm is contrary to the 1945 Constitution if cumulative conditions are not met: (a) it does not apply to elected officials, as long as no additional punishment is imposed in the form of revocation of voting rights by a court decision that has permanent legal force; (b) is valid for a limited period of 5 (five) years after the former convict has finished serving his prison sentence based on a court decision that has permanent legal force; (c) honesty or openness about his background as a former convict; and (d) not as a repeat offender.

This research is normative juridical research, with a statute approach, and a case approach. (Marzuki, 2005) The statutory approach is carried out by examining the statutory provisions relating to the General Election and Regional Head Election. The case approach is carried out by examining the decisions of the Constitutional Court regarding the General Election and Regional Head Election. The legal materials in this study are primary legal materials and secondary legal materials. Primary legal materials are obtained from statutory regulations, and decisions of the Constitutional Court, while secondary legal materials are obtained from law books, and legal journals related to the General Election and Regional Head Election. The collected legal materials are then analyzed using legal interpretation techniques.

Based on the background that the author raised above, the discussion that will be discussed regarding ex-convicts advancing as election participants based on the decision of the Indonesian Constitutional Court which also found new things from research that was studied was gradually deepening in the formulation of the study as follows: (1) How is the form of provisions for former convicts declared constitutional by the Constitutional Court; (2) What are the mechanisms for selecting regional heads and the rules that govern them; and (3) How is the development of the Constitutional Court's Decision Regarding Ex-Convicts in the Nomination of Regional Heads.

This study used references to previous research conducted by several researchers who discussed ex-convicts and advanced candidates for Pilkada based on the decision of the Indonesian Constitutional Court. The results of previous studies will then be used as supporting material in this study. Research from Donal Fariz regarding the Restrictions on Rights for Former Corruption Convicts to Become Regional Head Candidates, related to the provisions for implementing diversion according to Decision Number 4/PUU-VII/2009, Decision Number 42/PUU-XIII/2015, and Decision Number 56/PUU-XVII/2019. (Fariz, 2020)

In this research, Marcus Mietzner discussed Reinventing Asian Populism Jokowi's Rise, Democracy, and Political Contestation in Indonesia. This study examined the declining role of political parties, and globalization creates socio-economic uncertainty that worries restless voters, anti-establishment figures or movements find it easy to attract attention and support. (Mietzner, 2021)

In this research, Stephen Sherlock discussed the study made by committee and consensus: parties and policy in the Indonesian parliament. This study examined political parties in the parliamentary arena in Indonesia which was still in its early stages. This has given rise to various assumptions about the way the party acts in the House of Representatives (DPR) which are based on little evidence and heavily influenced by the hostility towards the DPR in general in the media and the NGO community. The central party leader enforces strict discipline against its members in parliament, coordination between parties and caucuses, or factions, is weak, inconsistent. (Sherlock, 2021)

In this research, Muzayanah examined the juridical study of the political rights of ex-corruption convicts to run for regional head elections. This study conducted an assessment of the background of the implementation of How Juridical Studies on the Political Rights of Former Corruption Convicts to Run for Regional Head Elections and raised problems about whether ex-convicts of corruption cases still have political rights to be used as human rights in running for regional head elections. (Muzayanah, 2020)

Based on this research, Muhammad Lutfi Hardiyanto, Salahudin Serba Bagus, Ahmad Munir researched the Political Rights of Former Convicts to Run for Regional Head Candidates (Analysis of the Constitutional Court Decision No. 42/PUU-XIII/2015). This study

conducted a background study as follows: what is the ratio decidendi of Constitutional Court Judges in the Constitutional Court Decision No. 42/PUU-XIII/2015 and what are the legal consequences of the decision of the Constitutional Court no. 42/PUU-XIII/2015 on the implementation of regional elections. (Hardiyanto, Bagus, Munir, 2017)

The initial part of this paper describes the concept of ex-convicts being able to run as participants in the regional elections based on the Indonesian Constitutional Court decision after passing a five-year gap after their imprisonment period and announcing their background if they want to run for the regional head. The Constitutional Court decision is widely associated with various existing laws, especially the 1945 Constitution which is the basis of the Indonesian state.

B. RESEARCH METHOD

Normative Juridical Research is a legal research method that is carried out by examining library materials or mere secondary materials. (Amirudin and Zainal, 2004; Achmad, 2009) This research is normative juridical research on issues related to the synchronization of regional head elections with the Constitutional Court decisions. The data in the article is part of the results of the research, entitled Legal Analysis Regarding Ex-Convicts as Election Contestants Based on the Indonesian Constitutional Court Decision. The data analysis method was carried out by collecting data through the study of library materials or secondary data which includes primary legal materials, secondary legal materials, and tertiary legal materials, both in the form of documents and applicable laws and regulations relating to normative juridical analysis.

Because this research was only aimed at written regulations, this research is very closely related to the library because it will require secondary data in the library. The specification of the research was carried out in an analytical descriptive manner, how to describe the state of the object under study, the applicable law, and its current implementation based on facts and data at this time. This study used several data sources, both primary data, and secondary data as well as tertiary data. With details of secondary legal material, namely the decision of the Constitutional Court Number 56/PUU-XVII/2019 regarding ex-convicts having to wait for a 5-year gap if they want to become run for Regional Head Election. The secondary legal materials for this research come from books, scientific journals, various articles, and other sources related to this research.

C. RESULTS AND DISCUSSION

1. Provisions for Ex-Convicts Declared Constitutional by Constitutional Court

Based on the 1945 Constitution which adheres to the understanding of the sovereignty of the Indonesian people which includes both aspects of political and economic democracy. Based on these two democratic doctrines, the social system in Indonesia can be developed according to balanced democratic principles, thereby fostering a strong social democratic culture. In the notion of social democracy, the state functions as a tool of welfare (welfare state), although the waves of liberalism and capitalism continue to develop and affect almost all human life, there is still adjusting to the constructive elements of socialism in the form of market socialism. (Asshiddiqie, 2012)

Pancasila as the basis of the Republic of Indonesia states in the fifth principle of social justice for all Indonesian people. This precept means that there should be no discriminatory treatment for all people of the nation in all areas of life unless otherwise required by law or a judge's decision. The implementation of this is embodied in Article 27 paragraph (1) of the 1945 Constitution which states that there are no exceptions to the right to equal status in law and government. Article 28D paragraph (3) of the 1945 Constitution states the right to have equal opportunities in government. Based on this, it is stated that discrimination against citizens is an act that is prohibited by the constitution.

The Constitutional Court Decision Number 14-17/PUU-V/2007 dated December 11, 2007, has rejected the application for review of Article 58 letter f of Law Number 32 of 2004 concerning Regional Government, Article 6 letter t of Law Number 23 of 2003 regarding the General Election of the President and Vice President, Article 16 paragraph (1) letter d of the Constitutional Court Law, Article 7 paragraph (2) letter d of Law Number 5 of 2004 concerning Amendments to Law Number 14 of 1985 concerning the Supreme Court, and Article 13 letter g of Law Number 16 of 2006 concerning the Supreme Audit Agency, all of which test the condition that "never have been sentenced to imprisonment based on a court decision that has permanent legal force for committing a crime punishable by imprisonment of 5 years or more".

In the consideration of the decision, it was stated that the articles of various laws being tested were declared as conditionally constitutional, i.e. exemptions for crimes of minor negligence (culpa levis) and crimes due to differences in political views. The things that are considered in this decision concerning the specifics of the character of certain public positions cause not all public positions to be determined with requirements using a general formulation of norms so that it is necessary to differentiate the requirements, among others: 1. Elected public positions (elected officials) and appointed public positions (appointed officials) 2. Public positions in the executive field are more of a service nature and public positions in the legislative sector which are channeling the aspirations of the people, and public positions which because of their duties require a very high level of trust, such as judges and other law enforcement officers, and officials who manage state finances.

The sociological and historical considerations of the Constitutional Court in deciding this case were the amnesty policy against members of PRRI/Permesta and GAM who at that time had also committed crimes that were quite serious and threatened

with punishment according to positive Indonesian law. The parties involved in the G.30.S/PKI rebellion whose requirements were not involved directly or indirectly to become candidates for members of the DPR, DPD, and DPRD have been declared unconstitutional by the Court through decision Number 11-17/PUU-I/2003 February 24, 2004.

The legal norm in the *a quo* decision is unconstitutional if the following conditions are not met: (MK 2007 Decision) 1) It does not apply to elected officials as long as there is no additional penalty in the form of revocation of voting rights by a court decision which already has permanent legal force; 2) Valid for a limited period of 5 (five) years after the former convict has finished serving his prison sentence based on a court decision that has permanent legal force; 3) Honesty or openness regarding his background as a former convict; 4) Not as a repeat offender; 5) Never been sentenced to imprisonment based on a court decision that has permanent legal force for committing a crime punishable by imprisonment of 5 years or more," if enforced without certain conditions, it can negate the principle of equality in law and government and violate the rights of a person or citizen, the state for fair treatment, guarantees, protection, and legal certainty, as well as an equal treatment before the law, and the right to get equal opportunities in government which are essentially legal morality and constitutional morality.

Reading the *a quo* decision must be an integral part that must be fulfilled as a whole. If one of the provisions is not fulfilled, then an ex-convict is not entitled to become a candidate in regional head elections and general elections. Researchers using the concept of progressive law to produce new concepts on an issue need free-thinking and dare to get out of the status quo. Progressive comes from the word progress which means advancement and/or improvement. Law should be able to keep up with the times, be able to respond to changing times, with all the basics in it, and be able to serve the community by relying on aspects of morality and human resources of law enforcers themselves.

Election law must be able and quickly respond to changes in society that occur. Forcing electoral laws to continue to apply makes law enforcement ineffective. Or imposing election law on the community or tending to enforce the law, giving birth to rejection and even conflict in the community. The idea of progressive law starts from the basic philosophical assumption that law is for humans, not the other way around. Thus, the existence of law is to serve and protect humans, not the other way around. Law is considered an institution that aims to deliver humans to a just and prosperous life and bring pleasure to human life. Progressive law adheres to a pro-justice and pro-people legal ideology. (Rahardjo, 2009)

Satjipto Rahardjo describes that the law is always in the process by saying that: the law is an institution that continuously builds and changes itself towards a better level of perfection. The quality of perfection here can be verified into factors of justice, welfare, concern for society, and others. This is the essence of "law is always in the process of becoming" (law as process, law in the making). Law does not exist for the law itself but humans. (Rahardjo, 2005) Progressive law discoveries explicitly link legal factors, humanitarian and morality, so that legal discoveries made by judges within the framework of carrying out their judicial duties will ultimately make their decision. Therefore, the character of progressive law is: (Rivai, 2010)

1. The discovery of law based on the judge's appreciation guided by his views and thoughts independently, based on the view that the law exists to serve humans.
2. The discovery of law based on legal values, truth, and justice as well as ethics and morality.
3. The discovery of laws that can create new values in people's lives, or carry out engineering in society following the times and technology as well as the conditions of society.

Through the decision Number 42/PUU-XIII/2015, one of which examines Article 7 paragraph (2) letter g of Law Number 8 of 2015 related to "never as a convict based on a court decision that has obtained permanent legal force or for former convicts has publicly and honestly stated to the public that the person concerned was a former convict", became a breakthrough in managing a substantial local democratic system and a progressive step in the implementation of people's sovereignty. According to J. Jacques Rousseau, the concept of sovereignty is populist and is based on the general will (volunte generale) of the people which is manifested through legislation. Therefore, according to him, the concept of sovereignty has the following characteristics: (1) unite, monistic; (2) round and undivided (indivisibilite); (3) non-transferable (inalienablelite); and (4) cannot be changed (imprescriptibilite). (Asshiddiqie, 2011)

In the court's consideration, when Article 7 letter g of the Regional Election Law determines that a candidate for regional head must meet the requirements of having never been sentenced to a criminal offense for committing a criminal offense which is punishable by imprisonment for a maximum of five years or more, then it means that someone who has been sentenced to a criminal offense has committed a crime, who are punishable by a sentence of 5 years or more, their right to be elected in the Regional ELection is revoked. This is in line with the provisions of Article 35 paragraph (1) number 3 of the Criminal Code that a convict's right can be revoked regarding "the right to vote and be elected in elections held based on general rules". The difference is that if the right to be elected as a regional head is revoked based on Article 7 letter g of the Regional Election Law, it is carried out by legislators, while the right to be elected as a convict is revoked based on Article 35 paragraph (1) of the Criminal Code is carried out by a judge's decision. (MK's decision, 2015) If the law limits the right of an ex-convict not to be able to nominate himself as a regional head, it means that the law has given additional punishment to the person concerned, while the constitution prohibits discrimination against all members of the society.

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2. Mechanism of Regional Head Election and Provisions That Regulate It

The General Election is a democratic party in the context of actualizing people's sovereignty, which provides an opportunity for all citizens to democratically elect their representatives and leaders for the sake of increasing welfare. As the basis for the implementation of the General Election, Article 22E paragraph (1) of the 1945 Constitution of the Republic of Indonesia mandates that the General Election be held with higher quality by involving the widest possible participation of the people on the principles of democracy, direct, general, free, confidential, honest and fair through a law. Elections in a democracy are held to fill political positions, both legislative and executive, which are the most open positions. (Handayani, 2014)

The dispute over the results of the general election of regional heads which has become one of the powers of the Constitutional Court to examine, hear and decide since October 2008, is based on Article 236C of Law Number 12 of 2008 concerning the Second Amendment to Law Number 32 of 2004 concerning Regional Government. The transfer of authority from the Supreme Court as the institution that originally handled the dispute to the Constitutional Court, which is said to be the guardian of the constitution, is actually not only a transition of the institution that handles it but also a transition accompanied by changes in the character of dispute resolution within the framework of maintaining and overseeing the democratic process in the constitutional framework, so that the possibility is wide open, in addition to examining and adjudicating disputes over the results of the vote that affect the election of candidate pairs for regional heads in a trial process, as well as to concretely examine the norms in the laws and regulations governing the regional head election process.

The implementation of regional head elections is a correction to the implementation of regional head elections through people's representatives in DPRD based on Law Number 22 of 1999 concerning Regional Government. The correction to the regional head election system was carried out by implementing the legal umbrella for direct regional head elections, namely Law Number 32 of 2004. In further developments, Law Number 32 of 2004 was later amended by Law Number 12 of 2008. The enactment of Law Number 12 of 2008 is actually inseparable from the debate that has developed in the community regarding the existence of regional head elections. Article 18 paragraph (4) of the 1945 Constitution as the constitutional basis for the implementation of regional head elections was born at the same time as Article 18A and Article 18B, namely in the second amendment to the 1945 Constitution and was included in Chapter on Regional Government. Furthermore, Article 22E was born through the third amendment to the 1945 Constitution but did not include Article 18 paragraph (4) but only the provisions of Article 18 paragraph (3) which regulates the DPRD. (Nopyandri, 2013)

Based on PKPU Number 20 of 2018 concerning the Nomination of Legislative Members, in its article it states the conditions that must be followed in the nomination where one of them is "never been sentenced to imprisonment for 5 years or more", then in paragraph (4), it is stated about the conditions that must be met. as stated in this rule, to register as a legislative candidate, exceptions are made for:

a. For former convicts who have completed their criminal period and are willing to openly and honestly announce to the public, they are not repeat offenders, and include their curriculum vitae.

b. For convicts who are caused by minor negligence and some do not carry out their sentences in prison and are open and honest in conveying to the public the election of members of the legislature, both DPR, Provincial DPRD, Regency/Municipal DPRD. (Anwar and Saraswati, 2018)

The international standards for democratic election administration developed by The Organization of Democratic Institution and Human Rights (ODIHR)-(OSCE) and The Institute for Democracy and Electoral Assistance (IDEA) state that restrictions or restrictions on the right to vote are allowed with a record of restrictions and restraints it is justified by circumstances or based on recognized norms. (Muhammad Anwar Tanjung and Retno Saraswati, 2018) In the process, the election mechanism underwent several changes from indirect elections to direct elections. This dynamic is motivated by various reasons such as the 'affair' of the people's representatives (DPRD) with the candidates for Regent/Mayor/Governor which has an impact on political corruption and opaque accountability because the conspiracy of the political elite negates transparency but instead brightens up money politics. This is possible because it is the DPRD that elects regional heads. This reason is the peak of dissatisfaction with the implementation of indirect elections. Thus there is a change from Law no. 22/1999 was replaced by Law no. 32/2004 which regulates local elections directly. (Suyatno, 2016)

Direct regional head elections have a very close correlation with the implementation of popular sovereignty. With direct regional head elections, the people can determine their own leaders in their regions, so that a close relationship is established between regional heads and the people which can encourage the realization of democratic and participatory regional governance. The direct regional head election system provides several advantages, namely: first, the elected regional head will have a strong mandate and legitimacy because it is supported by the people who vote directly. Legitimacy is something that is needed by a government that is experiencing a political and economic crisis. The crisis of legitimacy that undermines the leadership of regional heads will result in political and economic instability in the regions.

Second, the elected Regional Head does not need to be tied to the concessions of the party or political factions that have nominated him. This means that the elected Regional Head is above all interests and can bridge these various interests. If the elected

regional head cannot overcome the interests of political parties, then the policies taken tend to compromise the interests of the parties and are often at odds with the interests of the people.

Third, the direct regional head election system is more accountable than other systems that have been used so far because the people do not have to entrust their votes to members of the legislature partially or fully. The people can make their choice based on the interests and assessment of the candidate. If the elected Regional Head does not meet the people's expectations, then in the next election, the candidate concerned will not be re-elected. This principle is the simplest principle of supervision and accountability and can be understood by the people and politicians.

Fourth, checks and balances between the legislative and executive institutions can be more balanced. With a direct regional head election system, the position of the regional head is very strong so that the DPRD as a regional legislative body cannot pressure the regional head over a policy or pressure the regional head to fulfill the wishes and demands of the DPRD. Thus, regional heads can work calmly to implement their work programs without having to be disturbed by the demands of the DPRD. Nevertheless, regional heads must still pay attention to the opinion of the DPRD regarding the implementation of DPRD functions as regulated in laws and regulations.

Fifth, the criteria for regional head candidates can be assessed directly by the people who will cast their votes. Because the people will determine their regional head, the people can determine the ideal criteria for a regional head candidate. With the criteria determined by the people themselves, the people will choose one candidate for the regional head. Thus the people's choice is determined by the people themselves.

However, it must also be noted that the direct regional head election system also has weaknesses, namely: the funds required are very large. Direct regional head elections require very large funds or budgets for operational, logistical, and security needs. The amount of costs that must be prepared in holding direct regional head elections is not only a burden that must be borne by regional head candidates but also must be borne by regional governments. The cost of direct regional head elections will be even more severe when regional head elections must be held in two rounds (two rounds).

Direct regional head elections in the era of political liberalization with the power of a dominant political party, it is very possible that those who can fight have strong economic and political capital. (Amirudin and Bisri, 2006) Entrepreneurs who are close to political parties or wealthy incumbents are the ones who have the greatest chance of being included in the candidacy market for regional head elections. Based on financial capability and the strength of this economic capital, those who can enter the regional leadership market are not competent figures who have good capabilities, but only those who are included in the group of rich people or have strong financial capabilities. Second, it opens the possibility of conflict between the elite and the masses. The direct election of regional heads opens the potential for conflict, both elite conflicts, and horizontal mass conflicts.

This conflict is more likely to occur in paternalistic and primordial societies, where leaders can mobilize supporters. Third, people's activities are disrupted. The direct election of regional heads will be busy with the activities of the candidates and their supporting political parties to conduct campaigns and disseminate political issues as well as carry out direct maneuvers among the people with the intention of influencing people's choices. Therefore, in the splendor of the implementation of direct regional head elections, it has caused a disturbance to the routine activities of the community, where the community will also be busy with activities related to the implementation of the regional head election.

The basic issue regarding regional head elections is generally related to the understanding and meaning of the word "democratic" which is then debated as direct elections which are called democratic and other opinions which state that indirect elections can also be democratic. The mechanism for electing regional heads is called democratic if it fulfills several parameters. Robert Dahl, Samuel Huntington (1993), and Bingham Powel (1978) as quoted by Saukani, HR, and colleagues said that the parameters for observing the realization of democracy include: general elections, rotation of power, open recruitment, and public accountability. (Saukani HR, Affan Gaffar, and Ryass Rasyid, 2002)

Besides this has become the belief of the constitutional judges, the practice and jurisprudence of the Constitutional Court are rich enough to demonstrate this. It can never be justified that in the process of the general election for regional heads, there were violations that clearly contradicted the constitutional norms which became the principles that must be maintained in the framework of guarding one form of democracy direct, general, free, secret, honest elections, and fair. Debates on *objectum litis* that shift responsibility for violations in the electoral process that are not handled properly and appropriately by organizers, supervisors, and law enforcement before the results of the voting results are announced by the KPU, may not be examined and decided by the Constitutional Court in the process of disputes over the results of the general election. concerning the acquisition of votes, has passed. It is a truth that is agreed upon by all parties, that the process will definitely affect the results. (Article 103 of Law Number 32 of 2004)

The decisions of the Constitutional Court move dynamically to strengthen constitutional principles in practice, guarding the realization of honest and fair regional head elections as a recruitment process for government leaders. The shift in approach to dispute resolution on the results of the regional head elections that occurred and was carried out by the Constitutional Court must have met with resistance from certain parties, who felt disadvantaged, including the organizers of the General Elections themselves,

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who had determined the results of certain regional head elections, which were influenced by one process that is not following the above constitutional principles.

3. The Development of the Constitutional Court's Decision Regarding Ex-Convicts in the Nomination of Regional Heads

The Law on the Election of Regional Heads includes several arrangements that differ from one another, particularly concerning the terms of candidacy. The development of the Constitutional Court's decision in question is a requirement for former convicts to have been sentenced to imprisonment based on a court decision that has obtained permanent legal force for committing a criminal act which is punishable by a maximum imprisonment of 5 (five) years or more.

The direct regional head election which implementation began in 2005 was using Law no. 32 of 2004 concerning Regional Government. In the records of the Association for Elections and Democracy (Perludem), the legal basis for holding the elections for the 2005-2008 period used the law which later underwent two changes: first, through Law No. 8 of 2005 concerning Stipulation of Government Regulations in Lieu of Law No. 3 of 2005 concerning Amendments to Law Number 32 of 2004 concerning Regional Government, becoming Law (UU No 8/2005); and, secondly, through Law Number 12 of 2008 concerning the Second Amendment to Law Number 32 of 2004 concerning Regional Government. (Hanafi, 2014)

Limitation of rights for former convicts who have completed their sentences for committing criminal acts, one of which is corruption. This article has been tested repeatedly at the Constitutional Court and has experienced the following dynamics of meaning:

a) Constitutional Court Decision Number 4/PUU-VII/2009

In its Decision Number 4/PUU-VII/2009, the Constitutional Court stated Article 12 letter g and Article 50 paragraph (1) letter f of Law no. 10 of 2008 and Article 58 letter f of Law no. 12 of 2008 as a conditionally unconstitutional legal norm if the following conditions are not met: (MK Decision, 2009)

1. It does not apply to elected officials as long as they are not subject to additional punishment in the form of revocation of voting rights by a court decision that has permanent legal force;
2. Valid for a limited period of 5 (five) years after the former convict has finished serving his prison sentence based on a court decision that has permanent legal force;
3. Honesty or openness regarding his background as a former convict;
4. Not as a repeat offender;

Based on the description above, it can be understood that the Constitutional Court actually gave an interpretation of Article 58 letter f of Law Number 32 of 2004 concerning Regional Government.

With that interpretation, even though in its decision it was stated that it rejected the application, the Constitutional Court gave meaning to the constitutionality of the application of these conditions. The Court assessed that the four conditions apply cumulatively. For ex-convicts, one of whom is convicted of a corruption case whose entire action in the Corruption Crime Act is threatened with a sentence of more than 5 years, then this provision is enforced. The gap period is enforced for 5 years from the time the person concerned has finished serving the criminal period is intended as a corrective phase for the actions that have been committed. Then it is also required to publicly announce to the public the actions he has committed. As a follow-up to the nomination of regional heads, the General Election Commission accommodates the KPU Regulation (PKPU).

b) Constitutional Court Decision Number 42/PUU-XIII/2015

The Constitutional Court again tried and examined the case regarding the prohibition of candidacy for former convicts with the threat of a sentence of more than 5 years under a different law. The provision in question is Article 7 letter f of Law no. 8 of 2015 concerning Regional Head Elections. The Constitutional Court in its Decision Number 42/PUU-XIII/2015 was declared partially granted, which was conditionally declared contrary to the 1945 Constitution as long as it was not interpreted except for former convicts who openly and honestly stated to the public that the person concerned was a former convict. (MK Decision, 2015)

The decision was based on the reason that the existence of the conditions as contained in Article 7 letter g of Law no. 8/2015 is considered as a reduction in the right to honor and is equated with a criminal revocation of certain rights. Meanwhile, according to the Constitutional Court, the revocation of a person's right to vote can only be carried out by a judge's decision as an additional punishment for him. (MK's decision, 2015) To avoid conflicts with the Constitutional Court's decision and the criminal concept, the legal norms were changed and limited to a certain period of time after serving imprisonment.

This is based on the strength of the court's decision which refers to the power of administrative law with a reasonable and reasonable time limit following the principle of due process of law in criminal law enforcement since the convict has finished serving his sentence as was imposed in the previous Decision Number 4/PUU-VII/2009. This requirement becomes unnecessary if a convict has bravely admitted his status as an ex-convict. In a sense, if an ex-convict has finished serving his sentence and announces openly and honestly that he is an ex-convict, then the person concerned can run for governor, regent, and mayor. The Constitutional Court's decision then contradicts the previous conditions that apply cumulatively, turning into an alternative by simply announcing it to the public.

This is the problem with the Constitutional Court Decision Number 42/PUU-XIII/2015. There is no comprehensive explanation why the Constitutional Court changed its view compared to the previous decision. Even the Court's decision was not

taken unanimously, but two Constitutional Judges expressed dissenting opinions, namely Judge Maria Farida Indrati and Judge I Dewa Gede Palguna. The two Constitutional Judges believe that the interpretation of the "condition of never being convicted" has been completed. The conditions stated in the Constitutional Court Decision Number 4/PUU-VII/2009 apply cumulatively and this has been implemented by the legislators by making changes to the law and placing it in the explanation of the article.

Even Constitutional Judge I Dewa Gede Palguna asserted that there were no fundamental constitutional reasons, which resulted in the need for the Court to change its stance as stated in previous decisions. The conditions stated by the Constitutional Court in Decision Number 42/PUUXIII/2015 have been adopted for the requirements to become candidates for members of the DPR, DPD, and DPRD. The norm of the requirements is contained in Article 182 letter h for the DPD and Article 240 paragraph (1) letter g for the DPR and DPRD with the exact same formulation, namely: never been sentenced to imprisonment based on a court decision that has obtained permanent legal force for committing a criminal act committed threatened with imprisonment of 5 (five) years or more unless openly and honestly state to the public that the person concerned is a former convict.

c) Constitutional Court Decision Number 56/PUU-XVII/2019

In the provisions of Law Number 10 of 2016 concerning the Second Amendment to Law Number 1 of 2015 concerning Stipulation of Government Regulations in Lieu of Law (Perpu No. 1, 2014) Number 1 of 2014 concerning Election of Governors, Regents and Mayors Law No. 10 of 2016 Other provisions in article 7 paragraph 2 letter g stipulate: 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; This article was then again challenged to the Constitutional Court.

The lawsuit was filed by the Indonesian Corruption Watch (ICW) and the Association for Elections and Democracy (Perludem). In their petition, the Petitioners asked the Court again to interpret the a quo article as stated in the Constitutional Court Decision Number 4/PUU-VII/2009. In fact, the Petitioners asked for the waiting period which was originally 5 (five) years to be increased to 10 (ten) years. In full, the petition reads "Prospective governor and deputy governor, candidate for regent and candidate for deputy regent, as well as candidate for mayor and candidate for deputy mayor as referred to in paragraph (1) must meet the following requirements: g. has never been a convict based on a court decision that has obtained permanent legal force for committing a crime punishable by imprisonment of 5 (five) years or more, except for the convict who commits a criminal act of negligence and a political crime in the sense of an act which is declared an offense criminal law in positive law only because the perpetrator has a different political view from the regime in power; not sentenced to additional punishment in the form of revocation of voting rights by a court decision that has permanent legal force; for former convicts, a period of 10 (ten) years has passed after the former convict has finished serving his prison sentence based on a court decision that has permanent legal force; be honest or open about his background as a former convict; and not as a repeat offender. (ICW, 2019)

The Constitutional Court's Decision Number 14-17/PUU-V/2007 in its decision rejected the examination of several articles regarding ex-convicts who wished to register in elections following the regulations related to elections. This decision is stated in articles of various rules which are stated as conditionally constitutional, namely those who are not allowed to commit crimes or minor negligence. KPU issued PKPU which regulates corruption convicts to register as members of the legislature. The existence of this problem, the Supreme Court examines the regulations from the KPU. Finally, the Supreme Court also issued Supreme Court Decision Number 46 P/HUM/2018 in which the results of the examination rejected the rules made by the KPU, the material was tested and the results of the decision returned to the Election Law. Have never experienced imprisonment for a decision made by a court and have permanent legal power, if making a criminal act can be threatened 5 years or more, and if this regulation is still enforced without proper conditions, it can negate the existence of a principle of equality in law and government as well as those who violate the rights of a person or citizen. (Hapsari, 2018)

The Constitutional Court in its decision Number 56/PUU-XVII/2019 granted in part the petition. In its decision, the Constitutional Court reactivated the four requirements for former convicts as decided in case Number 4/PUU-VII/2009 and did not grant an additional 10 (ten) year waiting period for former convicts who had finished serving their sentences. However, decision Number 56/PUU-XVII/2019 can be interpreted as a correction to the previous Constitutional Court decision (42/PUU-XIII/2015) which eliminated the cumulative requirement for nominations for regional heads with the status of former convicts.

In their consideration, the constitutional judges referred back to the Court's decision which eliminated the cumulative requirement as stated in the Constitutional Court's Decision Number 4/PUU-VII/2009 which made it an alternative condition so that the requirements became looser with consideration to return to the community as voters who have sovereignty. to make his choice. Empirical facts prove that among elected regional heads who have served a criminal period to become regional head candidates only by taking the alternative of announcing honestly and openly to the public that the person concerned is an ex-convict has repeated the crime. (MK's Decision, 2019)

D. CONCLUSION

The Constitutional Court's decision guarantees the constitutional rights of ex-convicts to participate as regional head candidates and legislative candidates in regional head elections and general elections. The decision gives legality to ex-convicts to occupy elected public positions (elected officials) as long as they are not subject to additional penalties in the form of revocation of voting rights

by court decisions that have legal force. This decision of the Constitutional Court must be interpreted as a source of law that is final and binding by the election organizers which regulates not limits human rights.

Efforts by election administrators to build democracy must be seen as good faith to ensure that regional head elections take place democratically. This effort is carried out by issuing implementing technical regulations to implement the decisions of the Constitutional Court as required a quo. The material of the regulation must include strict sanctions for ex-convicts who do not meet the provisions in the regulation, both before and after being appointed as regional heads and candidates for members of the DPR, Provincial DPRD, and Regency/Municipal DPRD.

Bawaslu as an election supervisory agency must oversee the process of nominating regional heads and legislative candidates so that they comply with the provisions of the applicable laws and regulations. Political parties are the main determinants of the success of holding elections and democratic regional head elections. Political parties have an important role in producing candidates for members of DPR, Provincial DPRD, and Regency/Municipal DPRD who are professional and with integrity. Mistakes in placing candidates who will compete will bring a bad image to the supporting political parties. This can be done by conducting good cadre and tiered political education which must be an integral part of the existence of political parties.

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Notes and Glosses in Literary Translation

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ABSTRACT: Notes and Glosses are two different terms referring to one type of translation procedure namely Notes, Addition, Glosses. Addition is excluded in the title as it is not discussed in this research. This translation procedure is one of the translation procedures whose function is to provide additional information mostly when translating very specific terms like technical terms and cultural words. This research uses three Indonesian novels translated into English as the data source. It is therefore it involves literary translation. The background of this research is that each novel has its own preference dealing with the form of additional information. Using descriptive-qualitative research method with Translation Studies for analyzing the data, this research is aimed at identifying the kind of Notes and Addition involved and revealing the topic of information added both in the source language text and in the target language texts. The results show that the use of Notes either at the bottom of page as footnotes or at the end of book as end-notes and the use of glossary as Glosses at the end of book do not always depend on the additional information given by the authors of the source language texts, the translators may increase the occurrence of the notes in the target text, therefore, the topics of additional information are more various in the target language texts.

KEYWORDS: Additional information, glosses, literal translation, notes, translation procedure

I. INTRODUCTION

Being the guest country of Frankfurt Bookfair in 2015 with the target 300 literary works translated into foreign languages mostly English, Indonesia has been given a golden opportunity to expose themselves to the world. This gave a very positive impact to Indonesia especially in the publication of its literary works not only in the source language texts but also in the target language texts. The ways of life, the habits, the customs, the beliefs of Indonesian people which have been reflected in the stories are brought to the world and the important role to make this precious information well received to target readers is in the hand of translators. What are needed is the excellent work of translators who have strong motivation to introduce Indonesian culture through their knowledge about Indonesia beyond the information given in the source texts through translation works. If only the authors knew that their works would be read by foreign readers, surely they would prepare more as to let Indonesia go public, not only nationally but also internationally. The three novels used as the data source in this research are some of them, the three of them together with their translations took part in the Book Fair in 2015.

Each of the novel has its own setting. The first novel involves the ways of life and the belief of Balinese people in Bali. Unique terms or words in the novel like terms of address are given additional information in the form of footnotes. The equivalents in the target language text are given not in the form of footnotes through the use of translation procedure namely Notes, it is given in glossary through the use of translation procedure namely Glosses. The second novel involves the life of a woman in *nira* tapper family in a village in central Java. How she survives as a girl with an unknown father and how she survives as wife of a *nira* tapper and how she survives after being cheated by her husband is elaborately described. The ways of life, the changes she needs to deal with in her life involves the use of cultural words and very specific terms about the work of a *nira* tapper. However, no additional information given by the author either as footnotes or addition written in the text. Additional information about terms of address or other very specific terms are given by the translator in the target language text through the use of translation procedure namely Notes given not at the end of chapter but at the end of the book or novel. The third novel deals with the people who are expelled from their hometown due to a different perspective, different practices of Islam religion in Lombok. The novel deals with the use of terms related to Islam as well as cultural words. The author gives additional information to such words or terms in the form of footnotes and in the target language text the translator keeps this through the use of translation procedure namely Notes, it is given at the bottom page.

The different form of supplying additional information in the source language text and in the target language text is the background of this research. By this background, the research questions are constructed into (i) what form of additional information given in both source language texts and target language text in the data source; (ii) what topic found in the words or

terms which are given additional information. Based on the research questions, the objectives of this research are (i) to reveal the forms of additional information found in the source language texts and in the target language texts and (ii) to identify the topics of information given both in the source language text and in the target language text.

II. LITERATURE REVIEW

The discussion about literature review is focussed on three parts: (i) the previous researches dealing with the use of the three novels as the data source; (ii) translation procedure namely Notes, Glosses; and (iii) literary translation. The first focus, previous researches discussed in order to show the position of this research compared to them. It is intended to show the novelty of this research.

The first previous research is a proceeding article which deals with the use of the novel *Tarian Bumi* '*Earth Dance*' as the data source. It focusses on additional information also but not in the form of footnotes or glossary or end notes and it is studied by the use of Molina and Albir's technique of translation namely amplification (Mahmud, Bayusena, et al., 2021). The second previous research with the same data source is a journal article. It discusses the translation of cultural words in the novel and it is studied by applying two theories not only one: translation strategies by Mona Baker and Newmark's translation procedures (Robingah & Ali, 2021). This previous research does not specify on the existence of footnotes in the source language text.

The third previous research is a journal article which deals with the use of the novel *Bekisar Merah* '*Red Bekisar'* as the data source. Unlike the two previous researches, this research focusses on translation and culture by applying Newmark's theory regarding translation and culture, so it can reveal the case of domestication in it (Astari, 2018). Meanwhile, the fourth previous research involving the same novel as the data source is a journal article which discusses the deforming tendencies by Bergman's in this novel; it is done by comparing the source language text and the target language text (Uktolseya, 2017). The fifth previous research using the same data source does not discuss the translation work in the target language text, it focusses on the analysis of the characters in the novel by using literary psychology and the study is related to literary education in senior high school (Vitiana, 2018).

The sixth previous research is a journal article involving the use of the novel *Maryam 'The Outcast'* as the data source which focusses on the quality of back translation using Bing Translator; the theory used is Koponen's Error Analysis (Vikhanisa, 2021). This previous research only uses the first and the second chapter of the novel. The seventh previous research still using the same data source is a journal article. Unlike the sixth previous research using Translation Studies for analysing the data, this seventh previous research uses Liberal Feminism approach (Sari, 2021). The eight previous research is also a journal article with some Okky's novels as the data source including *Maryam* 'The Outcast'; it discusses greetings and verbs used in honorific expressions found in the data source and by using translation techniques it is to reveal the effect of translation quality (Nuruz Zaman & Rudolf Nababan, 2018).

This research *Notes and Glosses in Literary Translation* talks about the translation of additional information given in the source language text as well as in the target language text. There are four translation procedures by Newmark which deal with the additional information: descriptive equivalent, expansion, paraphrase, and notes, addition, glosses (Mahmud, Zulkifli et al., 2019). The fourth translation procedure namely notes, addition, glosses is actually under one same classification yet it can work individually. This research focusses on this classification but excludes addition. Dealing with the additional information, there are various forms can be used: (i) within the text which is highly recommended as it does not distort the flow of the story, and it deals with Addition; (ii) notes given at the bottom of page; (iii) notes given at the end of a chapter; and (iv) notes or glossary at the end of book (Newmark, 1988). The term notes itself refers to additional information in translation. There are pros and cons about the use of notes as footnotes and as end-notes as well as glosses. Some scholars consider that these are nuisance as they distract the focus of the readers and they can distort the flow of the story. The use of notes as notes at the bottom of page in translating cultural words does not always guaranty the wholeness of the message in the TL (Nurviansyah, 2017). On the other hand, the use of notes as footnotes can be considered advantageous for the TT (target text) readers as they may get information as much as what the ST readers have (Ordudari, 2007). This present research agrees with the second opinion by Ordudari and this can be studied from results and discussion on the next part.

This research uses novels, one of literary works both as the source text and the target text as the data source which indicate that it deals with literary translation. Scholars say that translating literary works like novels is not as easy as translating other works as it deals with a number of complication including authorship as well as inter-lingual and intercultural inequality (Kazakova, 2015). Similarly, it is said that translating literary works like novels is more challenging than translating other works, like journals; translating literary works deals with the writing of an author which is subjective, the formality of a language used, and other detail things like the uniqueness of a certain culture, that the work becomes more challenging (Mahmud, Ampera, et al., 2021).

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III. METHODOLOGY

The method used for this research is descriptive-qualitative method with Translation Studies as the approach for analysing the data. It is qualitative as it does not involve numbers but words; the data used cover phenomenon in the real world; it deals with the representation of information in figures and tables, and it deals with personal interpretation of the findings (Creswell, 2014). Qualitative research method covers any research whose results are captured in words, images, or nonnumeric symbols (George, 2008). It is descriptive as it leads to a description of the state of affairs as it exists at present (Kothari, 2004). This is what is performed in this research: words or terms given additional information become the object of this research. While the data source involves three novels: (i) *Tarian Bumi* written by Oka Rusmini, published first time in 2007, the second time in 2013, and the third time in 2017; it is translated into *Earth Dance* in 2011 by Rani Amboyo and Thomas M. Hunter; (ii) the second novel is *Bekisar Merah* written by Ahmad Tohari, published in 2011 and it is translated into *Red Bekisar* by Nurhayat Indriyatno Mohamed in 2014; and the third novel (iii) *Maryam* written by Okky Madasari, published the first time in 2009 and it is translated into *The Outcast* by Nurhayat Indriyatno Mohamed and Makna Sinatria in 2014.

The steps of carrying out the research are as follow stating in order:
(1) Collecting data from the source text regarding additional information in notes at the bottom of page as footnotes, notes at the end of chapter, notes at the end of book as end-notes, and glossary at the end of book.
(2) Collecting data from the target text regarding additional information in notes at the bottom of page, in notes at the end of chapter, notes at the end of book as end-notes, and glosses at the end of book either it is as equivalent of the same forms or it is a preference by the translator/s.
(3) The data are then classified based on the forms of additional information: notes at the bottom of page, notes at the end of chapter, notes at the end of book, and glosses.
(4) The data of additional information in both texts (source text and target text) are analysed based on the topic of information provided.
(5) The topics of additional information in the source text are compared with the topics of additional information in the target text to reveal what additional information given in the target text as translators' preference.
(6) The results of the analysis are described in a report into the form of journal article.

IV. RESULTS AND DISCUSSIONS

Results and Discussions are divided into the existence of additional information in each novel either as the source text or the target text. The number of forms of additional information is identified also based on its existence in each novel using translation procedure namely Notes, Addition, Glosses where Addition is excluded.

A. Notes at the Bottom of Page into Glosses

In the first novel, *Tarian Bumi* there are 15 data in notes at the bottom of page as footnotes which are translated into notes or glosses at the end of book in *Earth Dance*. However, there are 39 notes or glosses at the end of book. Out of 39 glosses, there are only 9 data having the same form of additional information or as equivalents. The rest of them, other 6 data are located within a text. It shows that 30 notes or glosses of additional information are translator's preference.

Table 1. The Equivalents of Notes at the Bottom of Page into Notes or Glosses at the End of Book

No.	Notes at the Bottom of Page in the Source Text	Notes or Glosses at the End of Book
1	*Luh*[1] [1]Panggilan untuk anak perempuan kebanyakan	*Luh* (B): "Girl", often used as **the first part of** the name of a commoner girl, **see also *Ni Luh***.
2	*Meme*[2] [2]Ibu	*Meme* (B): "Mother" **in common Balinese.**
3	*Ida Ayu*[4] [4]Nama depan anak perempuan kasta Brahmana, kasta tertinggi dalam struktur masyarakat Bali, biasanya disingkat Dayu. Untuk anak laki-laki Ida Bagus	*Ida Ayu* (A): A title used to indicate that a woman is a member of the *brahmana* caste-title group. See also the abbreviated form *Dayu*. ***Ayu* means "beautiful", while *Ida* is both the 3rd person pronoun and a status-title marker for members of the *brahmana* caste-title group, whether male or female.**
4	*Hyang Widi*[5] [5]Tuhan	*Hyang Widhi*: Common names for the supreme deity, **often used in expressions of wonder or surprise, roughly equivalent with "good lord".**
5	*Griya*[6] [6]Rumah tempat tinggal kasta Brahmana. Untuk kasta Ksatria rumahnya bernama puri.	*Griya* (A): The name given to *brahmana* households **in Bali. Like other traditional housholds of Bali, a *griya* usually contains of a number of pavilions grouped around a central courtyard. These pavilions have separate functions**

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6	*Takir dan celemik*[7] [7]Alat untuk pelengkap upacara	*Celemik*: a triangular container made of folded palm leaf, **typically used for *banten jotan*, offerings of fresly cooked rice made to the chthonic spirits (*bhutakala*) before family members can take their first meal of the day.**
		Takir: A container for offering coffee or other liquids to the deities, **usually made of folded banana leaves, either young or dried.**
7	*Tugeg*[8] [8]Tugeg singkatan dari Ratu Jegeg. Seorang yang kastanya lebih rendah akan memanggil anak perempuan Brahmana dengan panggilan Tugeg.	*Tugeg* (A): An informal term of address used with girls from among the "upper three castes" (*triwangsa*). **Tu- is the abbreviated form of the high status term of address *Ratu*, while –geg is from *jegeg*, "beautiful". See also *Ratu*.**
8	*Jero*[11] [11]Nama yang harus dipakai oleh seorang perempuan kebanyakan yang menikah dengan laki-laki bangsawan.	*Jero*: the title taken by a common who marries into a priestly family. **Literally meaning "inside" the title involves the change to a higher status, but not access to a higher title, which can only pass down to the children of a hypergamous marriage.**
9	*Ratu*[14] [14]Panggilan kehormatan untuk kalangan bangsawan	*ratu* (A): "Lord" or "Lady", a term or address used to refer to or address persons of higher status, **particularly members of the two highest caste-title groups, the *brahmana* (priest), and the *satriya* ("higher nobility"; often shortened to *Tu*.**

From Table 1 it can be identified that there are only nine data of additional information in the form of notes at the bottom of page which are translated in the same form notes but no longer put at the bottom of page but at the end of book as glosses. The nine data in the form of glosses in the target text are the equivalents of the nine notes at the bottom of page in the source text. The nine data in table 1 involve three topics of information: (i) terms of address in Balinese culture from data number (1- 4) and data number (7-9); (ii) name of household in Balinese society involving the highest caste, *Brahmana* in data number (5)*;* (iii) data number (6) is related to the fittings used for offering or ceremony. In the target text the two fittings which are made into one additional information in the source text are each given additional information in detail. All data in table 1 involve more additional information indicated in bold. This proves that additional information in notes or glosses at the end of book provide benefit to the target text readers even more than what received by source text readers. The knowledge about the words or terms footnoted in the source text become more detail and complete in the target text.

Table 2. Notes or Glosses at the End of Book in the Target Text only.

No.	Notes or Glosses at the End of Book	Topic of Additional Information
1-2	*Canang:* A basic everyday offering presented to the gods and ancestors; a round or square tray of plaited coconut leaf containing flowers, fragrance, and a small betel quid.	Names of Offering
	Daksina	
3-4	*Arak:* A strong liquor made by distilling *tuak*, a whitish wine made from the sap of the sugar palm tree; equivalent to "toddy" of South India and Sri Lanka	Names of Beverage
	Tuak	
5	*Jaja Uli:* A very common form of rice cake made by steaming rice flour and grated coconut, pounding this mixture in a mortar and pestle, fashioning into a cylindrical tube and then slicing pieces from the tube for use in either "soft" or deep-fried form. *Jaja uli* are an important ingredient of many of the larger offerings prepared for temple festival (*odalan*), life cycle ceremonies (manusa yadnya) and other important ritual occasions.	Name of Food Used for One of Important Offerings in Balinese Culture

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6-7	*Triwangsa:* Literally meaning "the three nobilities", the term stands for the title groups that claim a special status higher than that of the commoner majority of the population. Based on the idea of the "three upper castes" of India (merchants, warrior-administrators and priests), the *triwangsa* of Bali includes caste-titles groups like Gusti, Dewa, Anak Agung, Cokorda, and Ida Bagus or Ida Ayu.	Names of Caste in Balinese Belief
	Brahmana	
8-11	*Balian*: A traditional healer of Bali; there are a number of specialist forms o*f balian,* including *balian katakson,* healers who serve as spirit mediums for ancestors or divine spirits*, balian uut,* whose works involves deep tissue massage and resetting dislocated joints, and *balian usadha,* who work from traditional palm-leaf manuscripts recording medical lore of the past	Names of Professions in Balinese Culture and Society
	Pragina; Lurah; Pemangku	
12-16	*Kain:* A one-meter length of cloth typically used as a lower skirt by both males and females as part of the traditional clothing (*pakaian adat*) worn on all ritual occasions. It is tied differently for men and women, and can in this form also be called a *sarong* or *kamen.*	Part of Traditional Outfit Worn by Balinese People in Ceremonies
	Selendang; Konde; Gelung; Kebaya	
17-19	*Legong Kraton:* A form of dance considered the epitome of classical Balinese dance forms for women. Originally sponsored by the courts *(kraton, puri),* its angular postures and sharp movements are said to be based on the aesthetics of the shadow puppet heatre. In pre-modern Bali this dance was performed only by younger girls whose bodies were thought to best reflect the characteristics of shadow play characters.	Names of Balinese Dances
	Jogeg, Jogeg Bumbung	
20-21	*Patiwangi:* A ceremony performed to remove the high status of a woman, typically performed if the woman is from a priestly household and wishes to marry a man of commoner status. The literal meaning of the term is "kill fragrance".	Ceremonies in Balinese Culture
	Menek Kelih	
22-25	*Salah pati*: to die in improper death; a murder, suicide or otherwise violent demise	Others
	Kakawin; Kamsan; Lontar	

From Table 2 it can be studied that there are nine topics more of additional information given in notes or glosses at the end of book in target text as the translator's preference. It can be identified that from the first novel and its translation, there are 12 topics of additional information in the forms of notes at the bottom of page and notes or glosses at the end of book. Apart from the three topics discussed before, the rest of them contains nine topics of additional information: (i) names of offering in Balinese culture; (ii) names of beverage popular among Balinese people; (iii) name of food mostly used in one of important offerings and ceremonies in Balinese culture; (iv) names of caste in Balinese society; (v) names of professions in Balinese culture and society; (vi) parts of traditional outfit worn by Balinese people in ceremonies; (vii) names of Balinese dances; (viii) ceremonies in Balinese culture; and (ix) other terms or names; a condition where a person die not in natural ways like being murdered, committing suicide in data number (9). Mostly each topic of additional information is represented by two data at least unless data number (3) regarding name of food as the main food used for important ceremonies in Bali, there is only one datum.

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B. Specific Words or Terms in Text into Notes at the End of Book as End-Notes

Additional information in the form of notes in any location; the bottom of page, the end of chapter, the end of book cannot be found in the source text of the second novel *Bekisar Merah 'Red Bekisar'*. It can be identified from the source text that the story involves not only very specific words or terms related to ways of life of people in a remote village near Banyumas, Central Java but also related to specific terms of a job as a tapper, *nira* tapper. This must be a very challenging work for the translator, literary translator, as she has to identify herself which words or terms need to be end-noted in the target source. The translator just uses one form of additional information, notes at the end of book; in the translation procedure is known as End-Notes. The translation of the very specific terms or words which needs to be end-noted is made into chapters similarly to the organization of writing in the source text, using chapters. What terms or specific words put as end-notes absolutely are up to the translator. Although she does not give information on the page number of the words or terms end-noted, she makes them easy by putting them under the order of chapter; chapter 1, chapter 2, until chapter 9. The number of words or terms given additional information at the end of book from each chapter is different. Table 3 below shows the quantity of data end-noted taken from chapter 1 to chapter 9.

Table 3.

Chapter Number	Number of Data of Words or Terms End-Noted
1	12
2	5
3	6
4	2
5	15
6	1
7	6
8	6
9	4

Based on the data or words or terms taken to be provided with additional information in the form of notes at the end of book namely end-notes, there are 57 data found. They are all under the translator's preference and they cover 11 topics contained in the additional information: (i) names or terms related to plants; (ii) terms related to a *nira* tapper; (iii) words or terms related to Islam; (iv) terms of address; (v) terms related to arts either traditional or popular including musical instruments; (vi) names of food; (vii) animals; (viii) terms related to outfit of male and female; (ix) names of places; (x) philosophical expressions; (xi) others.

Table 4. Specific Words or Terms into Notes at the End of Book; End-Notes

No	Source Language Text	Target Language Text (Notes: End Notes)
1-10	Jambe rowe	*Jambe rowe: Areca catechu,* also known as Indian nut, Pinang palm, and betel tree, its fruit is often chewed with betel leaves.
	Batang Sengon, Pandan, Pohon Salak, Puyengan, Logondang, Oman, Pohon Albasia, Pohon Jambu, Soga	
11-12	Pongkor	*Pongkor:* Small pail made of bamboo section with looped handle, used to collect sap from flowers at the top of coconut palms.
	Nira	
13-21	Surau	*Surau:* A privately owned place of worship for Muslims.
	asar, slawatan, sujud, wali, lebaran, iman, suluk sisirangan, "Khasbunallah wanikmal wakil"	
22-23	Kebaya	*Kebaya:* Traditional combination blouse and dress worn by Indonesian women
	Peci	
24-28	Pak	*Pak:* Respectful term of address for an older man, meaning "father".
	Mbok, Ibu, Mas, Kang	
29-36	Dhangdanggula	*Dhangdanggula:* Poetic verse form of ten-line stanzas :

		each line has a predetermined number of syllabus and ends in a vowel.
	Sinom, sepasang mata bola, wayang, wayang orang, gambang, serunai, …Rama setelah kehilangan Sinta..	
37-38	*Ruweng ireng digadhekna, wis kadhung meteng dikapakna*	*… Ruweng ireng digadhekna, wis kadhung meteng dikapakna:* Literal translation is "When you've pawned your black earrings, what can you do when she's pregnant?"
	Sakmadya	
39-41	Bekisar	*Bekisar:* A fine crossbreed between jungle fowl and domestic chicken that often adorns the houses of wealthy.
	Gurami, tokek	
42-49	*Ayam kalasan*	*Ayam kalasan:* Chicken boiled in shallots, garlic, palm sugar, and coconut, and fried.
	Rendang Padang, rujak, gado-gado, sayur bening, sambal terasi, laksa, Teppanyaki	
50-52	Irian Jaya	Irian Jaya: Indonesian province covering the western peninsula of New Guinea island, its name changed to Papua in 2007.
	Pasar Rumput, Kalimantan	
53-57	Kerok	*Kerok:* Indonesian cold remedy where Tiger Balm or eucalyptus oil is rubbed along the muscle lines on the back, neck, and chest, and a coin is used to scrape the skin along the lines
	Keris, KTP, Kejawen, …gaya Batak tersembunyi,	

All data in the target text as seen in Table 4 are words or terms with additional information in the form of notes at the end of book namely End-Notes. Data number (1 -10) are related to plants and the additional information coming with the words or terms mostly started with their equivalents in Latin and followed with other information about their popular terms most probably recognized by target text readers. The quantity of data relating to plants is the highest compared to others. Data number (11-12) are related to the work of a *nira* tapper; the word *nira* itself as the object of the tapping and the equipment used to tap *nira* called *pongkor*. The additional information following the two terms is related to two things: (i) the performance of *nira*; liquid coming from the flowers of coconut palm; and the performance of the equipment called *pongkor*; small pail made of bamboo section with looped handle, and (ii) their functions: to made into coconut sugar and to collect *nira*.

The next data number (13-21) are words or terms related to Islam and the additional information following the terms giving the details of what the words or terms refer to like *surau*, a place for worship privately owned, *sujud*, a position in prayer, *asar*, prayer time. These words or terms may be familiar to source text readers but not to target text readers, therefore the translator chooses those terms to be end-noted. This is similar to data number (22-23) which deal with terms related to outfit worn by male, *peci*, and *kebaya*, worn by female. The additional information added to the terms are about how the outfit look like and what function they are worn for. The next data number (24-28) are words or terms of address in Javanese culture, like *Mbok* for mother, Mas or *Kangmas* for elder brother. As in data number (29-36) are terms related to arts either traditional, like *sinom* and *dhangdanggula* poetic verses or popular, like a song with the title *Sepasang Mata Bola*, including musical instruments, like *gambang*, a wooden musical instrument.

Unlike previous data, data number (37-38) are not about words but more to expressions, philosophical expression in Javanese culture, it is an implicit teaching. The rest data number (39-52) are names, of animal, such as *bekisar* to refer to a kind of chicken mostly owned by rich people; names of food, such as *sambal terasi*, a kind of chili sauce mixed with shrimp paste; there is also *rujak*, and the additional information following the name of the food is fruit salad made with palm sugar, tamarind juice, and chilies, it is a traditional food belongs to all cultures in Indonesia; names of places such as Pasar Rumput, a name of traditional market located in Jakarta. The final topic coming with the words or terms end-noted is called others as it refers to various things, such as *keris* 'kris', a traditional dagger with wavy blade; there is also *kejawen*, the term refers to Javanese religious tradition that combines the beliefs and practices of Islam, animism, Buddhism, and Sufism. All words or terms in this table are left uninformed

in the source text. Not only the readers of target text will face a problem if there is no additional information but also the readers of the source text will not be familiar with some specific terms. This is the situation explained in the previous part of this research regarding the challenging of translating literary works like novel.

C. Notes at the Bottom of Page into Notes at the Bottom of Page

Terms or words followed by additional information are possibly be given in the same form such as at the bottom of page as footnotes in the source text and as notes at the bottom of page in the target text. The last data source is a novel entitled *Maryam* 'The Outcast' where we can find notes at the bottom of page in the source text and having the same form of additional information in the target text, notes at the bottom of page in the target text. There are 18 data followed by additional information in the form of notes at the bottom of page namely footnotes in the source text yet there are 16 data followed by additional information in the form of notes at the bottom of page as the equivalents of footnotes in the source text. The two others, *tiang* 'saya' and *sai* 'siapa' are not translated into the same form. Those two are put within the text. However, the translators add the notes at the bottom of page in the target text with four data more of additional information and they are *imam*, 'spiritual leader'; *dai*, 'religious teacher'; *khatib*, 'man who gives the sermon during prayers the mark of having bowed his head to the ground countless times. That mark convinced people that he was an imam and a *khati'b; mushola*, 'prayer house'.

Table 5. The Equivalents of Notes at the Bottom of Page into Notes at the Bottom of Page

No	Notes at the Bottom of Page (Footnotes)	Notes at the Bottom of Page
1	*Berugak*[2] [2]Gazebo khas Lombok. Lazim dimiliki setiap rumah di Lombok, dibangun di depan rumah.	[2]A type of gazebo unique to Lombok, commonly built in the front yard
2	*Tuan Guru*[4] [4]Gelar/sebutan bagi orang-orang yang menguasai ilmu agama dan menjadi pemuka agama, sama seperti sebutan kiai.	[3]Title given to one with high degree of religious knowledge; a religious leader, similar to a *kiai.*
3	*Moyo*[5] [5]Pulau di Sumbawa yang terkenal keindahannya, sebagain besar pengunjungnya wisatawan asing.	[1]An Island in Sumbawa which is famous for its beauty, most of the visitors are foreign tourists.
4	*Pelecing*[6] [6]Masakan khas Lombok, berupa kangkung dan sambal, disajikan bersama ayam bakar yang dikenal sebagai ayam taliwang.	[2]Traditional food from Lombok. *Kangkong* and sambal, served with grilled chicken which is known as *ayam taliwang*.
5	*Ite*[7] [7]Kami	[1]We
6	*Iye*[8] [8]Dia	[2]He
7	*Ndeq*[9] [9]Tidak	[3]No
8	*Antih*[10] [10]tunggu	[4]Wait a minute
9	*Ampure*[11] [11]Maaf	[5]I am sorry.
10	*Uwes*[12] [12]Sudah	[6]Fine/Alright
11	*Sai aran side?*[13] [13]Namamu siapa?	[7]What is your name?
12	*Berembe kabar*[14] [14]Apa kabar?	[12]How are you? [9]How are you?
13	*Solah*[15] [15]Baik	[9]I am fine
14	*Merariq*[16] [16]Kebiasaan turun temurun orang Sasak untuk melarikan gadis yang ingin	[10]**Traditional** Hereditary customs of Sasak man to elope with the girl he **wanted to marry**. By "eloping", the girl's family will most likely marry their daughter to the man

	dinikahinya. Dengan "pelarian diri" ini, keluarga si gadis kemungkinan besar akan mau menikahkan anaknya dengan pemuda yang melarikannya. Anak gadis yang sudah dibawa lari dan tidak dinikahkan besar kemungkinan tidak akan menikah **seumur hidupnya** karena tidak ada laki-laki yang mau menikahinya.	who elopes with her. The girl who is taken away and is not married off most likely will **never** be able to get married because no man will want to marry her.
15	*Sai*[17] [17]Siapa	[11]Who is she?
16	*Nyale*[18] [18]Upacara di pantai selatan Lombok yang lahir dari legenda Putri Mandalika. Digelar setahun sekali, biasanya pada bulan Februari atau Maret. **Saat itu** cacing laut muncul di permukaan dan **masyarakat** memburunya.	[13]A ritual held on a beach in the south of Lombok, derived from the legend of Princess Mandalika. It is held annually, usually in February or March. Sea worms came to the surface and **the villagers** hunt them.

Unlike previous data in previous tables, Table 5 consists of data regarding words or terms mostly about daily conversation in Lombok language, for example, *sai aran side*? 'what is your name', *berembe* kabar? 'how are you?'; including its pronouns: *iye* 'dia', *ite* 'kami', then followed by specific food of Lombok, *pelecing* 'traditional food, sautéed kangkong or water spinach, and this sautéed water spinach is served together with *ayam taliwang* 'a typical grill chicken from Lombok'; term of address mostly related to Islam like *dai* 'religious teacher'; then there is also traditional hereditary customs: *merariq*; *nyale*, a yearly ritual; then there is the term *beregak* 'a part of building specifically put in the front yard as gazebo in houses in Lombok'; and the last one is *moyo* 'a very famous beautiful island also in Lombok'. The equivalents in the target text regarding the additional information do not undergo major changes or shifts in style so it is almost translated literally expect for daily conversation but not all. In some other novels, the form of additional information in notes at the bottom of page is preceded by the term of word footnoted as a transference or borrowing. In this third novel of this research, the words or terms are left within the text with superscript number showing the order of its existence in the novel then the additional information is put at the bottom of page.

V. CONCLUSIONS

Based on the research questions, it can be concluded that

(1) the forms of additional information found in the data source are (a) notes at the bottom of page found in the source text as well as in the target text; (b) notes at the end of book as glosses only found in the target text; (c) notes at the end of book as end-notes only found in the target text. The form of additional information as notes at the end of chapter is not found in the three novels either the source texts or the target texts.

(2) The topics reflected from the words or terms footnoted, end-noted, or glossed mostly cover (a) terms of address found in the three novels both in the source texts and the target texts; (b) traditional food from each culture set in the novels, Balinese, Lombok, Javanese and this is also found in the source texts as well as in the target text.

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The Existence of *Li* and *Fa* Legal Politics in Chinese Teachings

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ABSTRACT: This study aims to examine the existence of *Li* and *Fa* in the *legal system* and *legal politics* that develops in China. This study employs a normative legal approach through a historical approach. The results of the study show that the legal system and legal politics in Chinese highlight the terms *Li* and *Fa*. In essence, *Li*'s teachings focus on a set of ethical or moral rules that regulate patterns of human behaviour that must be obeyed and upheld by every human being. Meanwhile, the term *Fa* is known as a written law that every Chinese citizen must obey. In essence, *Fa* is a law inherent in a nation, generally applies equally to all human beings, and is formed into statutory regulations. These two terms become the benchmark for the legal system and legal politics that develops in China. Indirectly, China, which adheres to communism, applies the rules of moral ethics and legislation as a guide to life.

KEYWORDS: Legal system, Legal Politics, Li, and Fa

I. INTRODUCTION

The State of Indonesia is referred to as a Unitary State with Republic form. This is in accordance with Article 1, paragraph 1 of the 1945 Constitution of the Republic of Indonesia. On the other hand, we know that Indonesia is also known as an archipelagic state because many small islands surround Indonesia. This is also stated in Article 25A of the 1945. Constitution of the Republic of Indonesia. Indonesia has 17,508 islands that stretch from Sabang to Merauke. As a unitary state, of course, Indonesia is inhabited by various tribes and ethnicities. The latest data obtained is about 700 ethnic groups from Indonesia or other nations but have long lived in Indonesia. Each ethnic group must have its own language, culture, customs, and religion or belief. One of the most prominent is the ethnic Chinese residing in Indonesia.

Ethnic Chinese who came to Indonesia crowded since several centuries ago became part of the important history of the Indonesian nation. Even though the Chinese are considered immigrants, their existence is very dominant, and this ethnic group can live side-by-side with the Indonesian people. As a nation of Buddhism and Confucianism, the Chinese are developed with their own culture and beliefs. The Chinese freely releases themselves to develop the Anglo-American (*Anglo-Saxon*) legal system or *continental* European system (*civil law*). However, from the law adopted by China, some intersections appear to be in line with the legal system. Even though China is separated from the legal system commonly used by other countries in general, China proves to be able to stand on its own with basic capital, legal source foundations, and institutions that are different from other legal systems in the world. In this way, China is able to present itself as a legal system of its own making.

II. RESEARCH METHODS

Based on the issue described above, the researcher is interested in discussing in-depth about the existence of *Li* and *Fa* related to the legal system and legal politics that develops in China. The researcher uses the normative legal method accompanied by the historical approach. The historical approach is referred to as an approach to find out various historical values and their role as the background and influence on various values in law. This historical approach is often used in research and historical studies related to legal research topics. The researcher wants the right thing based on history with a dogmatic nature, but she wants the truth with a historical nature in law. This approach is carried out to understand the philosophical meaning of regulations based on time and understand the development and changes in the philosophical basis of regulation. This approach is carried out through a background study and the development of rules related to China's legal problems when running its state.

Based on the description of the background above, the problems in this study can be formulated as follows:

1. *How are the development of the legal system and legal politics in China?*
2. *What is the position of Li and Fa in Chinese society?*

III.   RESULTS AND DISCUSSION

A. Definition of Legal System

The term **legal system** means not only merging the understanding of the system and the law directly. The term legal system means specifically in the science of law. For more detail, the researcher describes as follows:

1. According to JH. Merryman, in his book entitled *"The Civil Law Tradition: An Introduction to the Legal Systems of Europe and Latin America",* on page 1, stated that the legal system is an operating set of legal institutions, procedures, and rules).

2. According to Friedman, the legal system is referred to as a system that includes structure, substance, and legal culture. The legal structure is referred to as the institutionalization of various legal entities. For example, judicial power structure (in Indonesia) includes courts of level I, Appeals, Cassation Levels, all judges and an integrated justice system. In addition, there are also General Courts, Military, Religion, Taxes, and State Administration. Then, Friedman mentions that law has three components, namely institutional arrangements, legal structures, and institutional performance. The purpose of legal substance is a regulation or norm with the scope of human patterns when they behave in society in an applicable legal system. For example, divers exceeding the normal speed will be fined. An individual who gives goods needs to give money to the seller concerned. The state has material law consisting of constitutional, civil, administrative, criminal law and formal law, including criminal procedural law, civil procedure, and other procedural law. Finally, legal culture is referred to as various values and attitudes related to shared behaviour related to law and its institutions.

Based on the explanation above, it can be concluded that a system cannot be separated from the various supporting principles. Thus, the law is referred to as a system in which there is an orderly arrangement based on the rules of life covering various parts with attachments between each other. In other words, the legal system is a whole thing from various arrangements that include various parts or elements closely interrelated. Cooperation from these various elements is needed to realize a unified goal based on patterns and plans.

B. Definition of Legal Politics

The term **legal politics** (*rechtspolitiek*) can be used in two different meanings, and have a broad and theoretical meaning, namely as legal politics and as legal policy. Legal politics are related to the understanding of legal political science, which is an element of political science with research topics related to various changes that the law requires to be in line with the political development of a nation.

 Furthermore, legal politics are based on legal wisdom, which means choosing expectations related to law and trying earnestly in realizing the ideals associated with the law. Legal politics can also be referred to as policies related to the direction of the development of law. Therefore, legal politics have a legal attachment to what it aspires to and the formation of law or *ius constituendum.*

Based on another point of view, legal politics are referred to as law by focusing on efforts to play the role of law to realize society's ideals. Legal politics is a discipline that uses legal philosophy material (related to the intended desire) and scientific material related to dogmatics and legal reality (related to steps in achieving goals).

This matter is very relevant to discovery activities and law formation. Based on this matter, there are 2 (two) relevances to legal politics, namely discovery activities and law formation. Politics of law formation means policies related to reform, development, and law creation. The law formation includes the formation of laws, the formation of judges' decisions or jurisprudence law, as well as policies on other unwritten regulations.

During the policy formation in the law, there are a number of matters used as elements of the policy, including the implementers and policymakers, the policy environment, the policies made and the parties who are the targets for making the policy. Legal policies are influenced by implementers and parties who make laws, the environment, and the policies that are made.

This legal policy will lead to the development, renewal, and creation of laws. The purpose of the policy environment is the conditions that form the background for the emergence of policy problems, which influence and receive influence from all policymakers and those policies. Implementers and policymakers are groups or individuals with a role in the policy process and system.[1] This policy is referred to as a provision regarding all choices that are more or less interrelated with the intent in order to realize a goal. Moreover, the policy's target group is an individual or group of organizations whose behaviour and conditions want to influence the policy.

Therefore, it can be concluded that *rechtpolitiek* or legal politics form positive law or *ius contitutum* from legal provisions or *ius contituendum* to meet change needs during social life. It can also be said that legal politics is public policy, or in other terms, namely, social policy that becomes one and cannot be separated from social welfare or community protection.

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[1] There are 3 agencies with roles in policy aspects in this country, namely the legislative, executive, and judicial. The executive or government agency is the institution with the largest role related to implementing state policies. However, the steps taken can often be directly or indirectly, working on them independently or delegating them to other parties, working with other parties or only delegating some parts to other parties, where the government only carries out supervision. A detail explanation can be found in Zaidan Nawawi's book, (Jakarta: PT Raja Grafindo Persada, 2013), 69.

The Existence of *Li* and *Fa* Legal Politics in Chinese Teachings

C. Li and Fa Teachings as the Chinese Legal System and Politics

1. *Li*'s teachings

The Chinese legal system consists of two major teachings, namely, first, teachings based on the Confucian philosophy teachings with the core containing the rules of moral law (called *li* = 禮 [礼] «禮»). Confucianism is teaching brought by philosophers to provide teachings related to various moral values and policies. People who adhere to various Confucian values by prioritizing moral values (*Li*) are more inclined to be together with nature. The unification and harmony of human life make the Confucian society stay away from problems between the environment and humans.

Second, the legal order is based on statutory regulations (*fa*=法), including the Criminal Code Law, which is referred to as a legal product that the kings work on with the assistance of various scholars in the field of law. *Li*'s concept emerges based on *Li*'s Confucian Philosophy, various principles that determine the universe's rules, including the human world or nature itself. *Li* gives rules to all nature. Therefore, *Li* is synonymous with a sense of justice. The word *Li* means pattern. According to Chu Hsi, the pattern is called the root that underlies all things (substance, norm). Norms or patterns in an object determine its development and condition. Based on the structure of Chinese society, the Chinese legal system in the royal era is based on ethics with 3 schools of thought, namely: Taoism, Confucianism, and Buddhism. Confucianism is actually something recognized as the religion of educated people who tend to be a philosophical order of a religion based on its true meaning. In addition, Buddhism and Taoism are known as common people's religions. The Chinese uphold tolerance in religious aspects, even to Christianity or Islam.

Li is the closest keyword to the definition of "law" based on his conception in various western countries. However, *Li* is sometimes interpreted as moral, ritual, certainty, etiquette. *Li* is a set of decency and propriety rules humans need to obey. Thus, *Li* represents more of a code of ethics (moral rules).

The rule of life (*Li*) does not become a provision with general applicability. *Li* has different substance and is in accordance with the form of groups and relationships of various parties, and people are required to obey him. However, a stipulation generally applies to *Li*, namely the finding of a stipulation that states that humans generally do not have subjective rights. However, it only has various obligations to all superiors or society.

The determination of obligations with a subordinate nature is needed to be an element of effort in ensuring the implementation of the five balances and relationships that Mencius and Confucius put forward, namely:

a. **men to their fathers;**
b. **the young to the old;**
c. **friend to friend;**
d. **state subject to the King;**
e. **wife to her husband.**

The existence of an obligation with a subordinate nature cannot be separated from the most basic social institution, namely the family, in its broadest sense. The head of the family is referred to as the oldest party over the oldest generation and has unlimited power over all its members. The family is grouped into various breeds, and the latter is known to be based on the domain of feudalism, with one being ruled by a ruler, a king. The principle of feudalism was discovered in the time of Confucius and still exists.

This condition is used as the basis for the application of *Li* from a family head to his family, a tribal head to a family head, various kings or officials to tribal chiefs. In this context, each party must avoid conflict because conflict tends to destroy respect and disrupt public order. Thus, each party needs to carry out reconciliation and find a peaceful solution. If reconciliation does not produce results, then the existing conflict will be resolved through the law, the last resort.

The existence of this perspective is based on the opinion of Confucius; namely, humans are considered righteous if humans are moral (*Li*) in all aspects of their lives. Through upholding moral values, humans tend to be considered perfect and thus are not required to have legal guidelines. The written law of its founders (legalists) makes humans behave badly. The law becomes a place for bad people to gather; it makes them greedy. Humans with perfect morals do not need laws in the life they live. Confucius' thinking is based on a belief that humans are basically born in good conditions because there are moral values at birth.

During the 3rd century AD, more precisely during the Tsyin Dynasty (256-207), Confucianism, in which there is a *Li*, is refuted by many jurists (legis), based on a perspective that mentions *Fa*. It means that law, including criminal law, is needed by the people. *Facia* (the mecca of the law for the legislators) experiences great development during the *Ch'in Shih Huang Ti* empire in 221 BC, which creates unity over all places in China and then continues by Mao Tse Tung and those who lead the communist coalition.

Confucius's opposition is based on the Legalists' understanding, which states that humans are born with evil qualities and dispositions. Humans will feel more unwilling to lose and act as wolves for other humans. In these conditions, humans need laws to regulate them. Legalists says that the King get legitimate power from God (*Thian*), and when he comes to power, he means that he is endowed with the law so that he can make human's strong character become submissive so that there is nothing against a human being. Therefore, in order to create orderly conditions, humans must obey the law, and those who violate it need to be

given threats with various aggravating punishments so that they will be afraid. The *Fa* is the inherent law in a country, generally and absolutely applies to all humans equally.

In accordance with what *Facia* suggested, China then makes a rule that takes the form of a law. There are at least 18 laws in China. The oldest laws date back to the IV century BC, in which almost all dynasties issued laws in the form of books, although they are the same as the previous manuscripts and are only acquired with or without additions.

However, the legal point of view of this *fa-cia* cannot be forced into it. Since the reign of the Han Dynasty (II century BC), there has certainly been a stage of "confusianization" of regulations. Various laws substantially refer to *Li* as the source of the law they adhere to. Even so, legism still influences and becomes a culture for all emperors in the formation of legal regulations, including laws in the field of criminal law and state administration. However, the process never touched on the private law aspect.

In private law, custom plays a large role and remains valid even though it is contrary to the rule of law. *Based on Chinese law, Li* and *Fa*'s legal subsystem is not enforced in a unified manner to all groups of people. The enactment of *Li* and *Fa* must be in accordance with the structure of Chinese society, which includes 4 classes, namely: first class (learned people and officials); second class (farmers); third class (workers) and fourth class (traders). People in lower classes submit to those in higher classes. The family class and family groups become a basis for the social and juridical organization.

As a general order, *Li* only applies to the upper classes of society. It's different for the lower classes, it can't be done, and they apply the *Fa*. In this context, educated people and state officials are able to escape from the criminal law, and if they are required to receive punishment, they can do penance through the payment of money.

The difference is based on the fact that various members of the upper class are knowledgeable and educated, so they can understand *Li*'s way of life, unlike ordinary people who are uneducated and lived a modest life who can not act like this, and thus they are required to obey the law, including criminal law.

Traditional Chinese law is synonymous with inequality before the law, and judges' decisions tend to be arbitrary. The high-class may object to the enactment of a law on them, for which reason the enactment of a law is proof of weakness.

2. *Fa's* teachings

The closure of China from foreign influence in various aspects (including law) cannot last forever. In line with the regime of the fallen emperor and the Republican government formed in 1912, it marked the beginning of the unification of various Western legal systems into China. This matter was very visible after Tsiang Kai Tsyek excelled from various groups with the direction of the left party, namely the Kuo Min Tang party during 1925-1928. During this time, the ConstitutionConstitution began to be drafted, although initially, it was temporary (1931), then it was definitive in 1936 with several codexes referring to the structure of Western countries.

In 1949, there was a change due to the victory of the Communist party leader Mao Tse Tung. China's latest regime abolished all laws to remove the influence of the feudal and middle class and replace it, and a new legal order was created based on legislation. The formation of the new legal order based on the law shows the Fa that has won (legistenants/jurists) and tends to show the dominance of Marxism-Leninism. The law's enactment was based on strengthening the dictator's power. It is the strict and strict enforcement of laws in the context of enforcing communism.

In 1949, there was a change due to the victory of the Communist party led by Mao Tse Tung. China's latest regime abolished all laws in order to eliminate the influence of the feudal and middle class. In order to replace it, a new legal order is made based on law. The formation of a new legal order based on the law shows the Fa that won (legistenants/legal experts) and shows the dominance of Marxism-Leninism. The law's enactment is based on strengthening the dictator's power. This is strict enforcement of laws in the context of enforcing communism.

Therefore, many laws were issued from 1950 to 1958, mostly based on Soviet law. However, it still has the characteristics of China. In 1958, there was a reaction regarding the hegemony of the law. The Chinese government disagreed with Russia's influence and has reverted to a traditional approach. The sovereignty of the dominating law began to be removed and was subsequently replaced with a model of arrangement based on state leadership and was influenced by a general ethic with its interpretation carried out by the state itself and its various party cadres. In this phase, China reshaped a *Li*, but it was recent in line with the communist party's perspective, referring to the ideas of Mao Tse Tung (better known as the "red book"). *Li* was applied to "honest people", namely the communists, another case that relies on cruelty (criminal code) is still maintained and applies to "*counterrevolutionaries*" as well as "*Barbarians*", as well as non-Chinese.

The cultural revolution of the Proletariat that occurred in 1966-1968 made the process of change. The process in the communism formation gave rise to the desire to enter into "non-legal" conditions without being penalized. Ideology needs to be able to make state power work. In addition, the people were required to follow and accept the ideas of the parties and those who led them. This ideology must be followed even if they disagree with creating unity and union. Each party hoped to be able to carry out various existing ideas, even through coercion. Therefore, the legal order form is no longer based on laws, but all matters focus on slogans or slogans with an ideological nature.

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In 1970, precisely after Mao's (1976) death, the Cultural Revolution's views on the state and law were gradually withdrawn. When there was resistance to Lin Piao in 1973, with a combination of attacks on Confucianism and *fa-chia*, Hua Kuo Feng and Feng Hsiao Ping (the Cultural Revolution ousted both of them), had made China return to legalism, an element of the *fa*, but not at odds with Mao's ideology.

In today's era, one ConstitutionConstitution was drafted in 1954, it was replaced with a new constitution, had been prepared since 1970 and completed so that it was published in 1975. The ConstitutionConstitution tended to be shortened to just 30 articles, unlike the old ConstitutionConstitution, which contained 106 articles. The new constitution sought to simplify the structure of the state, but on the other hand, provided a constitutional basis for the communist party. Thus, the state of China became a socialist country called the "dictatorship of the proletariat", with its power under the leadership of the communist party.

The 1975 Constitution was amended in March 1975 (60 articles) and replaced by the 1982 Constitution. However, the changes tended to be small. The *fa* subsystem re-adopted did not result in the law dominating. In 1972-1976, the law was placed subordinate and used as a medium of politicization. Although land ownership rights have been recognized, the ownership structure was based on Marxist ownership rights, accompanied by an emphasis on collective and socialist state property rights.

The judiciary is fully available under the supervision of the party body and its supervisor. The goal is to resolve the conflict in society. In the majority of the legal fields, disputes are sought to be resolved amicably with the services of intermediaries. In order to support this purpose, a Community Intermediary Commission is formed with the essence to subordinate the judiciary's role. This mechanism is considered a substitute for the previous benchmark, which is obligated to guarantee harmony. Subsequent life was changed into conditions of loyalty to Mao Tse Tung's version of Marxism.

Laws in China are based on 2 legislative boards, namely the state legislature and party institutions. Regarding this matter, the party determines the content, and the state determines the legislation. Since 1979, more than 100 laws have been issued, including those related to state institutions and more specifically related to economic law. Also, laws and regulations in various other branches of law are published, such as civil and civil procedural law and criminal and criminal procedural law.

The current Chinese legal groupings are as follows:

a) Party law has been contained in the party statutes and various party revolutions. Regarding this matter, each person is obliged to comply with the law. The highest institution of the party is called the Central Committee. The role is to be the controller of society and the state.

b) Constitutional Law. The rules for this law are contained in the Constitution and the implementing law. The 1982 Constitution is accepted through the National Deliberation. The general principles of the economic and state order contain various obligations and rights as citizens, being equal in the eyes of the law and managing the structuration of a country. The highest power rests with the National People's Deliberation.

c) Government law includes the determination of the statutes of the population committee.

d) Related to private law, Chinese law groups legal institutions and private parties. Foreign parties get protection for their interests and legal rights. Regarding family law, both the wife and the husband have the same rights. The 1980 marriage law stipulates the conditions for a marriage to take place, obligations and rights related to this matter, including requirements for divorce. Children born without marriage have equal rights with children born from marriage, especially the marriage law in 1950. The legislature draws up a provision with traditional culture. Regarding this matter, marriage is an issue that the head of the family needs to manage. Furthermore, through a stipulation that states that marriage needs to be based on the freedom of will of both parties, this matter must be carried out in front of civil officials. Both the wife and husband have the right equally and based on democratic reasons to undergo the family planning program.

e) In the rules related to *eigendom*, the law is grouped into 3 forms, namely: collective property rights state and private property rights. The first and second include land, natural resources, and many production media. In contrast, the individual eigendom includes goods consumed (furniture, houses, savings) and production media, such as transporting animals and towing loads. With "socialistic" property rights, sacred goods cannot be contested.

f) Although the ConstitutionConstitution does not state intellectual property rights, new copyright was issued on April 1, 1985.

g) Various state, individual and collective companies are found in the economic field. In addition, various mixed Chinese and foreign companies are enshrined in a wide-ranging law. Since 1980, there have been 4 *"Special Economic Zones"* in Southern China, where foreign investors are treated with privileges in the form of privileges related to taxes, exports and imports of foreign exchange, and others.

h) In the justice field is found:
1. Various community intermediary committees and formed based on various resident committees; some judges are still foreign and less skilled in handling criminal or civil cases;
2. Various ordinary and special people's courts are at the end of the judicial pyramid, a Court for the people;
3. Arbitration commissions for the settlement of economic problems;
4. *Parquet*, with its task of supervising the implementation of the law;

5. Room for defenders (*balie*) includes advocates who work under the state and are required to provide legal assistance.
6. Judicial power has various professionals, assistants, or who are still lay.
7. The procedural law at a court hearing is carried out with 2 institutions, namely the decision and examination of cases at the first level and appeals. Judicial proceedings are open to the general public. However, the total number of cases is relatively small, and more cases are held related to the so-called enemies of society and "recidivists" or the law of marriage.

IV. CONCLUSIONS

At the beginning of its formation, China's legal system is able to prove itself to be able to survive and exist even though it has a legal system and politics that is different from most systems and laws in other countries. *Li* and *Fa's* teachings can prove that Chinese Legal Politics is inclined to a general order with a moral foundation that only applies to the upper classes of society. As for the lowest classes, the teachings of the *Fa* law are enforced as a legal order in the form of statutory regulations made and enforced by the state for the lower classes.

Throughout its history, the legal development model in China has experienced a shift between a law-based legal order, which is based on Marxism-Leninism, and a legal system based on morals *(general ethics)* based on a traditional Chinese approach. In the final stages of its development, China re-adopts legalism and subordinated law to political goals without denying Mao's ideology.

In other words, China shows its existence through the *Li* and *Fa* teachings, which can dominate a set of legal rules or legal policies based on moral ethics and make legislation as a source of law other than Morals, Ethics which are highly upheld by the Chinese nation.

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Monuments, Memorial Sites, and Commemoration Sites, Recount History

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ABSTRACT: Over time, the live memories of survivors have disappeared, and it has become clear that the memory of the Jewish Holocaust could disappear entirely in the absence of institutional efforts to preserve it. The understanding that collective memory can be preserved only through proactive efforts led to the development of formal and informal curricula for Holocaust education. The main assumption is that Holocaust education has the potential to generate a moral transformation. In light of this conclusion the question is: What kind of changes do we seek and how should we accomplish them?

This study deals with a case study of one of the constitutive historical events of the 20th century: commemoration of the Holocaust. The study focuses on the Experiential Learning Method of educating about Holocaust remembrance and commemoration and about Holocaust monuments. Over the years memorial centers have been added, which contain additional monuments commemorating the story of a specific place and/or personal stories.

One of the currently customary methods of commemoration in Israel is the journey to Poland, to the labor, concentration, and death camps, to the various memorial sites and monuments. This journey is undertaken by young and old, groups and singles, from all over the world and particularly from Israel. Since many of those taking the journey are young people at an age when personal, national, and historical identity is formed, a time when the young acquire their educational values, it is particularly important to ascertain who is charged with passing on the beacon of memory. This leads to weighty questions regarding the identity of the guides who lead these journeys and the contents they choose to impart to the participants, the guidance sites, and the method of guidance. Who will tell the story? How will the story be told? What will remain of the story?

This study discusses in addition, a case study of guides from Israel charged with imparting this chapter of human history. In order to explore their impact, interviews were held with 47 guides, the large majority of whom are Israeli born, a majority academics, and many hold advanced degrees. The research findings indicate that they aim the commemoration beacon primarily at guidance sites in Poland. The study explored other diverse essential parameters regarding the profile of "guides to Poland" – where did they study? What is their personal affiliation with the subject? What is their position on the universal and Jewish narrative of the Holocaust?

In light of the interviews conducted, it appears that almost all of them have the necessary tools to convey the most complete and comprehensive educational message. Accordingly, this issue was explored and most of the guides reported that the most influential message of commemoration is conveyed primarily through visits to camps and ghettos in Poland. This conclusion generates a theoretical, practical, philosophical, moral, and educational question indicating the "exporting of historical memory". Should our entire educational focus indeed be exclusively on Poland? How can we preserve the ethos of the affiliation between the Holocaust of the Jews and heroism in the Holocaust, as well as heroism in Israel and its building, if we disregard the many commemoration and memorial sites within Israel?

Do the journeys to the camps and to the valley of death in Poland, which are led by these guides, not create a distortion in the instilling of Holocaust remembrance and heritage, by disregarding the many commemoration sites and monuments throughout Israel? Aiming the beacon of commemoration at Poland, outside Israel, prevents exposure of the public, and particularly teenagers, to the natural association formed in Israel between Holocaust and revival, which preserves the connecting link between the generations.

MONUMENTS AND MEMORY SITES RECOUNT HISTORY

A. Around the world

The world is full of monuments, memorial buildings, museums, sculptures, memorial tablets, commemoration structures, and many others that commemorate global events in general and the events of the Holocaust in particular, which are a Jewish and universal constitutive event. Nonetheless additional memorial buildings, commemoration sites, and monuments are constantly being established in Israel and elsewhere. In 2012, for instance, a commemoration center in memory of the Holocaust events was established in Drancy, northern Paris, on the site of France's main transit camp, where most of the Jews were concentrated on their

way to the death camps. The same year, a documentation center and museum for the Holocaust and for human rights were opened in Belgium as well. These were situated in the Dossin barracks in Mechelen, which have been reopened. Even in Muslim Morocco, in North Africa, an attempt was recently made to erect a monument for the Holocaust, an attempt that failed for obvious reasons.

After the conclusion of the Holocaust events, it became necessary to relate, document, and commemorate the tragedy that had befallen millions of victims, but most cruelly and blatantly the Jewish people. Memorial books initially filled this function, before the tradition of memorial sites was official instituted. Historian James Young claims, with regard to the memorial books, that: "Every time we pick up the book, we will feel that we are standing by the graves of the victims, because the murderers deprived them even of that" (Young, 1996, p. 596).

The various commemoration sites are intended to continue recounting and commemorating the battle, the deportation, the war, or the execution of ethnic groups, nations, or members of different religious, including the events of the Holocaust. Historical events that occurred in the distant past, as well as in the recent past, are fated to be forgotten. The human brain has a limited ability to remember and to preserve in its grey matter unlimited information. This is a fact that has accompanied us since the beginning of humanity. The phenomenon is increasing constantly with the technological developments and progress that are flooding our senses with lots of information and intellectual stimuli (Davidovitch & Dorot, 2020).

Hence, it is the nature of historical facts and events, important as they may be, to be forgotten. This is particularly evident with the passing of time, as Holocaust survivors age and die. Artists, Holocaust survivors and their descendants, politicians, social activities, various organizations and others, are searching for techniques of commemoration. What is the best and most impactful way of preserving memory is a question that is occupying our mind, soul, and moral views.

The space of forgetfulness is occupied by memorial sites and monuments that constitute a most common means of commemoration. According to the definition of lexicographer Avraham Ben Shoshan, a monument is any sculpture, architectural site, pillar, pile of stones, which maintain a meaningful set of symbols that relate the story of a historical event (Even Shoshan, 1974). Gideon Ofrat adds that "artistically, a monument is a work of art designated to meet a certain social need and therefore its design is clear and its symbolism coherent. It is an icon, i.e., that which is symbolized is present in the symbol, the supreme idea symbolized seeks to be an example and model for us, the viewers, in our conduct" (Ofrat, 1982). Moreover, means of commemoration have "a double purpose: remembering the past and commemorating it, and setting values and collective social tasks for the future in order to shape collective memory" (Brutin, 2005, p.1). These sites aim to bridge the paradox between the past events that are commemorated in the present, which is temporary while also commemorating memory for all times. As mentioned, preservation of memory is essential for various reasons. Among them, learning the facts and the historical story, granting respect to the dead, a place of gathering for the survivors, and more than all – education to prevent the repetition of similar cases in the future. Remembrance and commemoration are particularly vital for the Jewish people, whose entire essence is based on the commandment to remember. The most well-known commandment in this context is "Remember what Amalek did to you" (Deuteronomy 32:7) or "Remember this day, on which you went free from Egypt, the house of bondage, how the Lord freed you from it with a mighty hand" (Exodus 13:3). Jewish history is replete with historical events, mostly traumatic, which we remember as archetypical national disasters. Events such as the destruction of the two Temples and the two subsequent exiles, the Spanish Expulsion and the tortures of the inquisition, the edicts of 1648, pogroms, various expulsions, and others. These events have been set in the nation's memory for generations as constitutive events. They are joined by the events of the Holocaust, for which no words can be found in even the most comprehensive dictionary.

Forming a connection between the commemorative sites and the actual events of the Holocaust raises various deliberations. How, for instance, can events that one did not experience be remembered? Or the question of the association between aesthetics and the art of designing the site or the monument, and mass murder and atrocities. Where should the site be erected? What event, of many, should be commemorated? In establishing this type of site, are we not helping the murderers and their descendants clear their conscience?!

Recently, the story of the synagogue in Hamburg, Germany, reached the press in this context. The local Jewish community wishes to rebuild the special synagogue that was destroyed by the Nazis at the beginning of the Second World War. This seems like a suitable act of commemoration for a Jewish community and a synagogue once considered the greatest in all northern Europe. Some of the current community members as well as Israelis who are the descendants of local Jews vehemently object to this idea. They say that establishing the synagogue will deflate criticism against the Nazis' deeds as well as the memory of the Holocaust (Davidovitch & Lewin, 2019).

With regard to the act of commemoration, it is necessary to specify the different types of memory. The first is personal memory, which originates from the memories of the individual who experienced these events or heard about them from previous generations. A merging of the personal memories creates the collective memory that takes a two-way course: interpretation of the past is undertaken in the present, while interpretation of the present is undertaken based on memories of the past. Social communities build their past from the present perspective, and the group's past is shaped by present interests and politics (Halbwachs, 1950/1992; Zelizer, 1995, 1998).

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These two are also joined by historical memory, which is part of collective memory. In this context, art historian Gideon Ofrat claims that memory on the individual and collective levels ensures the unified identity of the private and public self: "Without memory, private self-consciousness and social cultural consciousness would collapse" (Ofrat, 2011).

As stated, remembering and commemorating are aimed at overcoming forgetfulness, as well as obliteration or denial of memory. Holocaust denial has already become a shameless "profession". Only recently two historians, Prof. Barbara Engelking of the Polish Center for Holocaust Research in Warsaw, and Prof. Jan Grabowski from the University of Ottawa in Canada, were put on trial for defamation of the Pole Malinowski, who was the head of the Polish village Malinowo and committed crimes against Jews, according to testimonies. The injured honor of the criminal was sought by his niece, under the Holocaust Law recently legislated in Poland by the radical right-wing party "Law and Justice". The audacity to deny the historical events derives from the desire to be absolved of any wrongdoing and to reinstate Polish honor.

The denial also stems from the wish to denigrate those who seek to commemorate the cruel and inhumane facts. The deniers seek to erase the events, just as the Nazis sought to erase all Jewish memory, as Elie Wiesel said in his speech on International Holocaust Day at the UN assembly: "What the enemy sought to attain was to put an end to Jewish history" (Wiesel, 2005). The various commemoration sites are erected to counter the physical and historical end.

The commemoration sites in general and the memory monuments in particular constitute, a formative manifestation of the plastic arts. Unlike independent works of art, however, these are subjugated to their educational and symbolic role. Hence, the historical subject or story precede the artistic design. Nonetheless, the sites and monuments have undergone artistic-design changes and development. This change stems from transformation of the artistic styles, but particularly since the artists search for a way to leave their mark on memory. The commemorators seek how to preserve memory as strongly as possible. For this reason, the artistic style and manner of commemoration undergo a lengthy process, for instance, from Nathan Rapoport's constitutive *Memorial to the Warsaw Ghetto Uprising* in 1948 to Peter Eisenman's *Memorial to the murdered Jews of Europe* in 2005. The purpose of these two is identical, however their artistic design is completely at odds, as is the artists' point of departure: the worldview on the manner of commemoration. Both are indeed located in capitals of the two countries that determined the tragic occurrences: Germany the attacker and Poland on whose territory the atrocities were committed. Both are also located in a central open urban space, in two capital cities, a fact that makes them accessible to the general public and even to passersby who reach them unintentionally. From here on, however, the two monuments are completely different: how they were initiated, the financial resources, the size, and the artistic style. The first commemorates the heroes of the ghetto, while the second commemorates the six million. Hence, it may be said that the Warsaw monument is more "intimate", while that in Berlin is more "public". It is mainly important to note, however, the movement of the "memory compass" from Rapoport's familiar realistic symbols to Eisenman's abstract form. This distinction echoes in Young's words with regard to Rapoport: *"The more abstract and nihilistic the work of his artist colleagues, the more figurative and clear his mission as a future witness ... He chose to isolate himself from contemporary criticism and made certain to close the door to his studio before beginning to work: 'Could I create a stone with a hole in it and say: Here, the heroism of the Jews? No, I had to show the heroism, to describe it with images that not only artists would understand and respond to, rather anyone. After all, it had to be a public monument. And to what do people respond? To faces, to figures, to the human form. I didn't want to represent resistance in the abstract: It wasn't an abstract revolt. It was real' "(*Young, 1993, p. 168). This approach is compatible with the cruel reality, as those murdered were not murdered in the abstract.

In 1948, not long after the end of the events, Nathan Rapoport planned a large and impressive realistic-symbolic memorial that constitutes a "classic" traditional model of monument design, which he positioned at the center of the old Jewish ghetto in Warsaw, where the revolt broke out. The sculptor chose to present through two different fronts the "two sides of the coin": a tall bronze relief that describes the heroism of the revolt on the front side, reflected by seven strong united figures –which were also given individual expressions – shaped as dynamic mythological heroes bursting out from what seems like flames under the leadership of the main figure – Mordechai Anielewicz. On the back side, on a stone relief, is a procession of twelve Jews, symbolizing the twelve tribes of Israel, much smaller figures than those on the front. These are the victims taken as "sheep to the slaughter", fully passive, led by a bearded Jew holding a Torah scroll, which causes only him to remain upright. Rapoport designed him and particularly the others – as archetypical exilic types, through the body language and bent posture. His bowed followers appear submissive and obedient.

The "memory compass" indeed moved substantially towards the abstract in Eisenman's memorial, located symbolically in Berlin, on an area of 19 dunam that forms a type of crisscrossed cemetery. The site contains 2,711 dark gray concrete blocks, the number of pages in the Talmud. There is no writing, marking, guiding arrows, set entrance or exit to the site. This sculpture work constitutes a milestone in the breaching of design conventions and in how memory is made accessible to the general public. The artist himself attested that the purpose of the organized array of blocks and their play of light and shade is to create an accumulating atmosphere of confusion, mixing, restriction, distress, and discomfort, to such a degree that all contact with human logic is lost. For this purpose, he planned the narrow passages between the blocks (75 cm) that allow only one person to pass, so that each person would experience the site as an individual.

The common approach to the monument, or to the commemoration site, was often an elevating approach, a place treated reverence and even sanctity. Eisenman's point of origin was the complete opposite. He chose to turn the monument into an organic and integral

part of the living urban texture, to an everyday experience – a place of passage for residents on their way to work, a children's playground, a picnic site, or a place of rest and calm for tourists visiting the city. In the same breath he arranged for the site to fulfill its main designation – commemorating memory in a way that would intrude on the private and collective German consciousness and subconscious. The artist sought new, original ways, provocative and controversial, to arouse public opinion, to arouse humanity from the deep sleep of forgetfulness that might allow history to repeat itself.

The result of this search for the right way to convey the message, of the difficulty of describing the atrocities, and as a replacement for the historical description of the events, was an approach that seeks to give presence to that which does not exist and to commemorate it. These are original attempts by different artists to commemorate the vacuum. Young calls this style "counter-monuments". He contends that this is possible only by reconstructing the vacuum; the negative space of the missing monument is the main component of the nonexistent form. In other words: the destruction of a nation can be remembered only by destroying the monument. An example of this is the Empty Library memorial by Micha Ullman, Berlin, 1995.

Artist Rachel Whiteread took this direction when she erected a four-sided closed rectangular structure of 7×10 meters, 3.8 meters high, resembling an empty "bunker" inside, where the upper and bottom parts bear a list of the death camps to which the local Jews were sent. The lifeless library resembling a ghost is comprised of lines, each containing 20 empty and closed anonymous colorless books of uniform size and shape, their pages facing the viewer rather than their spines as customary in libraries, thus preventing viewers from obtaining information on their names and contents. The books are not only "reversed" but also "floating" because they are not supported by shelves – which are missing too – wherein the artist shows that the huge loss lacks support, backing or foundations.

The monument conveys accuracy, symmetry, uniformity, and transmits coldness, seriousness, and alienation. Two blocked doors are set in one of its sides, sealed and impermeable, with no hinges and handles; there is no entering or leaving. The uniformity represents the Nazi obsession with bureaucratic processes and strict maintaining of official lists.

B. In Israel

Means of remembrance differ in character and design, by country and nation. The local artistic, financial, political, and geographic influences also differ by place. One of the main locations in the world with a concentration of collective commemoration sites is Israel, where "these sites take part in shaping the collective historical memory of Israeli society" (Brutin, 2005, p. 1). Naturally, after the Holocaust tens of thousands of survivors arrived in Israel, and these required such sites in the old-new homeland in order to commemorate the world that had gone up in the flames of the furnaces.

In Israel, the approach to commemoration of the Holocaust has two anchors: The first is by virtue of the direct relationship between Holocaust survivors and their descendants who live or lived in Israel, the Jewish state. The second is by virtue of the law.

In 1951 a decision was made to institute a national Memorial Day on the 27th of Nissan. The chosen date was close to the date on which the Warsaw Ghetto uprising began (Knesset Annals, 1951). The Knesset also enacted the Holocaust and Heroism Memorial – Yad Vashem Law, 1953. One of the sections of this law is the establishment of a state commemoration authority for commemorating the Holocaust and heroism (Book of Laws, 1953). This is the origins of the phrase "Holocaust and heroism" that links Holocaust and revival.

In order to understand this combination, it is necessary to comprehend the condition and feelings of the survivors who had arrived in Israel destitute and were viewed as exilic and as cowards who had gone as sheep to the slaughter. The survivors were seen by Israeli Jews as representing the exile with all this entails. This exilic nature contradicted the "Ben Gurion" spirit of the locally born, meaning the character of the new and renewing Israel, that of the pioneer, soldier, and proud Hebrew fighter that differed from the exilic subjugated Jew who was led, as stated, as sheep to the slaughter. This condescending attitude to the survivors and the source of the degrading designation originated from a proclamation made in the Vilna ghetto in 1942 (Arad & Gutman, 1978). Hence, rather than finding a shoulder to lean on the survivors were ashamed of their history.

Only in 1961 was a transition evident: The Eichmann Trial proved to the entire world the extent of the atrocities and the inability to act on one hand, and the heroism of the survivors on the other. Following testimonies concerning the "other planet", when the Nazis' barbaric acts were revealed, only then, as Hanna Yablonka says, was the mistake of unfairly judging the survivors understood (Yablonka, 2001). From then on, the survivors' story became legitimate and official commemoration of the victims in Israel began. Museums, institutions, monuments etc. were established.

Further on, the need to link the Holocaust to the revival was also born, particularly when the feeling was one of existential threat, for instance, during the War of Independence when the aim of the fighting was to achieve a Jewish state for the remnants. Or during the Yom Kippur War, when Israel fought for our very existence. In such situations, it was clear that annihilation is not a bygone term. The voice of the ghetto fighters and of the rebels began to be heard not long after the events. The bravery of the partisans was also portrayed. The escape attempts, leaving the ghettos to search for food, and the stand taken the weak against the German soldiers and their collaborators, began to generate commemoration sites. In 1954 the well-known commemoration site Yad Vashem was erected on Mount Herzl in the capital of Jerusalem. In 1968 the "Hall of Names" was opened at Yad Vashem, containing "Witness pages" of those who had perished and documenting their names and details. In 1949 Kibbutz Lohamei Hagetaot was founded by Holocaust survivors. The ghetto fighters' museum, intended for educational purposes, was established in the kibbutz a year later. In

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1951 the first monument was erected in memory of the Warsaw ghetto heroes at Kibbutz Yad Mordechai, in memory of the commander of the revolt, Mordechai Anielewicz. "In this way, the memory of the Holocaust was transformed from a negative element to an integral existential element of Israeli identity" (Azaryahu, 1995, p. 11). In 1973, the Masuah institute was founded, which spreads Holocaust studies, and its museum displays a regular exhibition on the postal services during the Holocaust. In 1975 Beit Theresienstadt was founded in memory of the inmates in the "exemplary" ghetto established by the Nazis.

One of the prominent memorials that connect Holocaust and revival most clearly, is the "Scroll of Fire" monument by Nathan Rapoport, established in 1972 in the Forest of the Martyrs in the Jerusalem hills, near Moshav Kisalon. This monument recounts the history of the Jewish people from Holocaust to revival. The two parts of the bronze scroll, symbolizing the people of the book, depict pictures from the Holocaust on one and symbols of revival on the other. According to Brutin, by linking the Holocaust to revival and heroism in monuments from the 1970s to the 1990s, the Holocaust becomes an integral part of Israeli existence (Brutin, 2005, p. 14).

These are only several constitutive examples from among a wealth of commemoration sites, museums, monuments, and so on, established throughout Israel's existence. This indicates how important and rooted is the topic of memory and its association with Israeli revival and heroism. Israel has a wide and serious commemoration network through which it is possible to recount the tragedy and pass it on to the next generation.

As we have seen, commemoration occurs after time has passed. It is not placed where the event occurred, and it is formed by people that did not experience it. Hence, the natural inclination is to visit commemoration foci located at the original sites, such as the death camps, crematoria, the massive valley of death, etc. All these are always outside Israel, mostly on Polish territory, where teenagers come on the journey to Poland. And what about commemoration sites in Israel? Those who keep the memory embers of the "there" and "here" burning?

The journeys to the commemoration sites in Poland can be defined as journeys to one large comprehensive monument. After more than thirty-two years, the journey has become a customary, experiential, sensory, and unmediated educational method. In order to realize the declared aims of the Ministry of Education, which include enhancing unique and universal values, we must first begin here, in Israel. Exporting the remembrance to Poland leads to neglect and exclusion of a large part of the population and might also keep young people away from the memory of the Holocaust in the Jewish-Israeli context. The authors recommend developing a post-Holocaust program, an interdisciplinary educational program that will join forces with educational systems throughout the world with the aim of forming a uniform and balanced curriculum between the particular (the Holocaust of the Jews) and the universal (the events of the Second World War) from a content-related, emotional, and value-based respect, while maintaining the connection to Israel.

The Second World War ended officially in August 1945. Until then, it was the war that raged from 1914-1918 that was called "The Great War", however the war that swept through the world from 1939-1945 challenged everything known to mankind in this context – it was the largest war in human history in all respects: the number of countries involved; the number of separate warzones; the number of soldiers who participated in it and the quantity of weapons at their disposal; the scope of the losses; and the harm to the national infrastructure of most of the countries involved.

This unprecedented human disaster was the setting for the disaster of the Jewish people – the Holocaust of European Jewry that annihilated one third of the Jewish people. This homicide was the first of its kind – industrial, planned, and structured – aimed at eliminating anyone suspected of being Jewish. The end of the war and the fall of the Third Reich were in many respects only the beginning – the beginning of a long process of rehabilitation in all countries, of dealing with the destruction left by the war. In those years of arising from the ruins, while the nations of the world were licking their wounds and in the context of the tragedy of the Jewish people, the Jews declared the establishment of a Jewish state in their historical homeland.

In Israel as elsewhere, an attempt was made to leave the past in the past and to concentrate on building the present – building the Jewish nation and coping with its new enemies. Post-Holocaust Israel practiced an "official preclusion of the exile" (Grossman, 2005; Stauber, 2000), intentionally avoiding any treatment of Holocaust remembrance, due to the association formed between the exile and the Holocaust – commemoration of the one was perceived as commemoration of the other. Not only that, the Holocaust was perceived on the macro level as a national catastrophe that justifies a conspiracy of silence (Yablonka, 1998). Nearly thirty years passed before the Jewish state began to open its wounds and contend with the repressed memories. The Eichmann Trial, and particularly the Yom Kippur War, were constitutive events (Gretz, 1995; Zerubavel, 2002; Liebman & Don-Yehiya, 1983) that led to the formation of a Holocaust discourse – one that sees the significance of instilling remembrance while tying the past to the present to the future.

The 1970s and 1980s symbolized the formal and informal development of the new discipline – Holocaust education. On the formal level, Holocaust contents entered the various textbooks: history, literature, civics, Bible – which included this chapter in Jewish history to various extents. Informally, institutes for Holocaust education evolved, which began to offer a wide range of study programs bearing different value-based emphases. In addition, many schools developed unique study programs written by the school staff (for instance: "Testimony from there" at the Harel high school, Jerusalem). Of the range of programs offered in the formal and informal educational system, the experiential study program of the journey to Poland received major attention and occupied a central

role in the hopes and expectations of the public, educators, and the educational system. This is evident from the unprecedented public consensus in Israel with regard to the journey.

Holocaust remembrance, previously excluded from the social discourse, has become one of the pillars of Israeli collective consciousness. Where in the past preserving Holocaust, remembrance was perceived as preserving exilic customs (Resnik, 2003), in current-day Israel it has become the link between the extremities – from destruction and ruin to heroism and revival, from death marches to marches of the living, from the valley of death to the valley of vision, from strangers in a foreign land – to a free people in Zion. The understanding and recognition of the power and significance of Holocaust remembrance as a unifying and connecting factor led to the emergence of a different Israel that draws from the roots of its past and uses them to grow in new directions. Within this Israel, the journey program seen in 1988 as an experimental Holocaust education program has since become a regular program, with the visit to Poland receiving major importance (see for example the State Comptroller's report 2010 – on insufficient preparation).

In the world as in Israel, this model was embraced and many countries began to send their young generation to see the indescribable for themselves (see for example: France, Italy). Repressed memories were revealed, the cold war ended, Europe arose from its ruins, countries around the world began to contend with history so that it would not repeat itself (Davidovitch & Lewin, 2019). The term "Holocaust" achieved popularity and it was used frequently for different purposes. Collective journeys to the regions of death and destruction were the highlight that some called "pornography of evil" (Yablonka in: Kashti, 2010). At present, in the early 21st century, over 70 years since that war, these journeys have reached huge dimensions in Israel and elsewhere (see for instance: Fontana, 2011; Davidovitch, Haskel, & Soen, 2015). All remembrance is concentrated in those areas where the events occurred and in the last decade only in Poland and particularly Auschwitz, which has become its symbol.

Considering the time, money, and efforts invested in sending our children overseas and in light of the social exclusion that is an integral part of these delegations, the question is if it is necessary to travel to a distant land in order to learn about the past? Can we begin the journey to history in the present? Can we begin with the revival? How do we benefit from viewing the crematoria and gas chambers in person? In order to answer these questions and others, we would like to claim that remembrance begins within us. We shall present the current models of voyages in Israel and in other countries as well as the alternative – to begin the journey from the present to the past, from revival to heroism, from the extant to that which is no longer.

In summary, the journey to Holocaust sites in Poland by young people from Israel and from other countries, is a tool for imparting Holocaust remembrance experientially among the young generation. There are many differences, however, between the sites visited. The differences are in the value-based foundations utilized by the guides at the commemoration sites. Some sites have meaning for the Jewish-Israeli story, such as the Altneuschul synagogue in Prague, the Remah synagogue in Krakow – the only one active today, or the Temple synagogue in Peshmishel, Poland. The cemeteries too reflect the large body of Jewish works written by the greatest rabbis – leaders of the Jewish communities, which tell the vibrant story of Jewish life in the ancient Jewish quarter – Kazimierz in Krakow, for instance. Another important example is the Chachmei Lublin Yeshiva. Then again, there are sites with universal meaning, such as the Wawel Royal Castle that served the kings of Poland until the 16th century.

In some sites the Jewish story is combined with the universal story, for instance the Podgorze quarter – the area of the ghetto, remnants of the ghetto walls, Schindler's factory. The concentration, labor, and death camps: Auschwitz-Birkenau, which became a symbol of the annihilation of the Jewish people and of extermination in the world in general. Also, the Majdanek labor and death camp within the city limits of Lublin – the only camp that has mostly remained as it had been. And in Warsaw, for example, the home of Janusz Korczak – the educator who became a world symbol. The Path of Remembrance and the Rapoport monument, also erected at Yad Vashem in Jerusalem, which is also linked to the revival of the State of Israel.

The ratio between particular and universal commemoration sites show the Holocaust from the guide's perspective and emphases. In the Jewish world and in Israel in particular, some of which is associated with the victims, the particular dimension has become a major part of experiential learning. The declared goals of the Ministry of Education express this well when stating the purpose of studies, which include familiarization with the cultural and spiritual wealth of the Jewish community in Poland before the Second World War, understanding the extent and scope of the destruction and ruin that befell the Jews during the war, as well as reaching secondary conclusions concerning the heroism of the Jews who stood up for themselves and understanding the essence of dehumanization (Director General circular, 1991).

Let's demonstrate this based on the Holocaust institutes. The "Testimony House" institute for Holocaust education offers a program for the young called "From Holocaust to revival". *The goals* of the program include, among other things, enhancing students' knowledge; creating empathy for the Jewish world that was destroyed; increasing Jewish-Israeli identity; granting a social response to those who do not travel to Poland. *Technically*, the journey includes several major topics that constitute the academic dimension: Jewish life in Europe and in North Africa before the Second World War; the Holocaust of European Jewry; revival – the remnants in Eretz Israel (an area that is unique to the journey in Israel); Jews in general and the Jewish settlement in Eretz Israel in the Allied forces during the world war; Holocaust remembrance and commemoration in Israel.

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The entire program of the journey is based on sites in Israel, with the intention of forming a unique program that does not clash with other school trips or with seminars on the Holocaust. These sites include institutions and institutes for Holocaust commemoration and education, outside sites and walking trails.

The alternative journey offered by the "Testimony House" presents an additional experiential method, one that is deep and comprehensive, which exposes students not only to what was and is no longer but also to what still is. The goals of the Israeli journey are identical to those devised by the Ministry of Education for the journeys to Poland: enhancing Jewish-Israeli identity, familiarization with the past of the Jewish community that was destroyed, and its link to the present – the existence of the State of Israel. Hence, we have two methods with identical goals and educational approach underlying the experiential learning, where the main difference is their location – one takes young people to Holocaust regions and the other to revival regions. In 2012 the "Glass House" exhibition was launched at the Testimony House. This is an innovative interactive display that conveys, in an experiential and fascinating manner, the story of the rescue of many Budapest Jews towards the end of the Holocaust, in a race against time.

In addition, there are many outside sites in Israel that are relevant for guidance on Holocaust and revival, such as those at Beit Lohamei Hagetaot.

There are also walking tours – The journey can include short walks. Some of the tours have content-related meaning, such as walking in the footsteps of soldiers from among the remnants in the battlefields of the War of Independence, in order to demonstrate the force of their deeds. Some of the tours have general value-based meaning of familiarization with Israel's views, reflecting the act of revival. Moreover, walking tours are an opportunity for personal and group release, in order to relieve the emotional burden on the students. It is possible to include a witness who can give testimony that bears relevance for the route taken. Examples of this are the Forest of the Martyrs and the Bnei Brit Cave, a giant commemoration enterprise of the JNF, where about six million trees were planted on the slopes of the Jerusalem hills.

In summary, in light of the focused identity of the journey and due to the significant differences in the resources required, the question is why are young people at school not exposed to sites such as the Testimony House, outside sites, and walking tours.

RESEARCH FINDINGS AMONG GUIDES OF GROUPS TO POLAND
A. Background characteristics of guides to Poland in the study

In order to examine who, we are giving the beacon of memory, who will be those who pass on the beacon in the next generations, when there will be no more Holocaust survivors, and to examine the messages conveyed, we conducted interviews with guides of the journey to Poland. The interviews included 47 interviewees, with an age range of 33 to 77 and a mean age of 58.61. The fact that 78% were aged 50 and older (in contrast to 60% aged 30-49 among all teachers in Israel) might indicate the aging of teachers in this field. However, the age level might also indicate maturity, knowledge, and experience.

Nearly two thirds (64%) were men and only 36% women. The number of academics was very high, at 98%, of whom 79% have a master's degree or PhD. The absolute majority were Israeli born (91.3%). Regarding religiosity, 59.6% defined themselves as secular, 27.7% religious, and 12.8% traditional.

Connection with the subject of the Holocaust

About 70% of the guides noted that someone in their family had experienced the Holocaust, particularly parents (noted by 47% of the guides), grandparents (19% of the guides), or aunts and uncles (11%). Six percent noted that the entire family had been affected by the Holocaust. Only 30% noted that no one in their family had been personally affected by the Holocaust.

The experiences mentioned most frequently as affecting their relatives were death (30%), escape (27%), being at a concentration or death camp (24%) or being Holocaust survivors (21%).

Professional development on the topic of the Holocaust

All the guides had received professional development and instruction in Israel, with an emphasis on the course for guides of delegations to Poland (64%) and annual in-service training required as part of the conditions for working as guides (55%). Fifteen percent of the guides had received such development at the Shem Olam institute, which is an institute run by Yad Vashem for religious guides.

Half of the guides had participated in professional development in Poland as well, including seminars on Holocaust topics (30%), guidance courses (15%), and professional development (11%).

Their main target population is Israelis: 89% guide Israeli teens, 49% guide groups of Israeli adults, and 13% guide Israeli academic students. A very small part of the guides (6%) also guides groups from abroad.

On the association between the background characteristics of Poland guides, their connection with the Holocaust, guidance instruction received on the Holocaust, and features of the guidance.

In light of the findings that arose from the interviews, we expected to hear of the association between Holocaust and heroism, as we saw above, the association between remembrance of the Holocaust victims and remembrance of those fallen in Israel's wars. We expected to hear from the guides to Poland that their guidance includes the affiliation with Israel and the association with its many commemoration sites. We expected to see that the guides focus also on commemoration sites in Israel, in order to instill in the young generation awareness of the increasing dangers of anti-Semitism in the world, from which Israel can offer a refuge.

These expectations arose since we saw that two thirds of the guides were men, hence the assumption that they are former IDF soldiers. Namely, they are part of life in Israel and have contributed to the country. Most have a direct or almost direct connection with the Holocaust. They all underwent professional development on the subject in Israel. Some are religious and people of faith for whom the link to the land and its sites is even clearer. Hence, the hypothesis was that guides to Poland would take the journey and its participants to the land established on the ashes of those who had perished.

B. The attitude of the guides to subjects related to the Holocaust.

In the interview, the guides were asked about their attitude to topics that arise during the guidance on the subject of the Holocaust. They were asked to rate these from 1 (very low) to 5 (very high).

There was a very high degree of agreement with the Jewish narrative concerning the Holocaust, including the Jews as victims of the Nazi occupation of Europe (5), and the world's lack of intervention during the Holocaust (4). In contrast, there was a medium to low degree of agreement with competing narratives such as the claim that other nations too had suffered during the Holocaust (3), or that a similar number of Poles as Jews were murdered in the death camps (2).

The guides' degree of agreement with narratives that emphasize the uniqueness of the Jewish people in the Holocaust was medium. Hence – they agreed to a medium degree with claims that the Jewish people showed a higher moral level than other nations during the Holocaust (3) and that the fighting in the ghettos and among the partisans was unique to the Jews (3).

The overall attitude of the guides to Israeli-Polish relations in the Holocaust and subsequently was negative: There was a high degree of agreement with the claim that Poles took advantage of the opportunity to kill Jews in the Holocaust (4) and a very low degree of agreement with the claim that Poland's current place in the European Union symbolizes the country's victory over evil (2).

In contrast, the guides agreed only to a medium degree with narratives that draw the nations closer to each other, such as the claim that Israelis and Poles have a shared fate in light of the experiences of the Holocaust (3) or that Jews and Poles fought together in the underground and in the partisan movements (3). The degree of agreement with the claim that the story of righteous gentiles indicates the national morality of the Poles was below medium (3).

With regard to the lessons learned from the Holocaust, the guides agreed to a less than medium degree with the claim that the establishment of Israel is a victory of human civilization over evil (3).

The guides agreed to a high degree that visits to Poland are an important educational tool for Holocaust education (4).

C. Differences in attitude by background characteristics

Analysis of the guides' attitudes by their background variables indicates that no differences was found between the attitudes of the group of guides whose relatives had been affected by the Holocaust and the group of guides whose relatives had not been affected by the Holocaust. In addition, no significant differences in attitudes were found by the guide's level of education. Nevertheless, differences were found in some of the attitudes by several other background variables.

Differences by the identity of relatives affected by the Holocaust: Those whose parents had experienced the Holocaust agreed that the Jewish people displayed greater spiritual, mental, and moral qualities than any other nation during the Holocaust (3). In contrast, those whose parents had experienced the Holocaust agreed less that the story of Polish righteous gentiles proves their national morality (3).

Differences by gender: Only one attitude variable showed gender-based differences: Women (3) agreed more than men (2) that Poland's place in the European Union in the 21st century reflects Poland's victory over evil.

Association between the guide's age and attitudes: On two statements, agreement was found to increase with the guide's age: A similar number of Poles as Jews were murdered in the death camps and the statement that the Jewish people displayed greater spiritual, mental, and moral qualities than any other nation during the Holocaust.

Differences by religiosity: Religious and traditional participants agreed more than secular participants with attitudes whereby the Jews were the victims of the Nazi occupation of Europe (5) and that the Jewish people displayed greater spiritual, mental, and moral qualities than any other nation during the Holocaust (4). Then again, secular participants more than others upheld the attitude whereby the shared fate of Jews and Poles constitutes the basis for a shared future and mutual commitment to remembrance (3).

D. The guides' attitudes to guidance on the Holocaust

The main challenge of Holocaust education is, according to the guides, the ability to connect teens to the subject (44.7%). Challenges mentioned by a smaller number of guides are the need to proceed to a more universal or value-based discussion of the Holocaust's lessons instead of discussing the historical events (25.5%) and also the diminishing significance of the subject (13%).

With regard to events from the recent decade that affect Holocaust education, one fifth of the guides noted the "Polish law" (19%), while others noted events that in their opinion are not compatible with the moral lessons of the Holocaust, such as the increase in anti-Semitism and xenophobia in Israel and throughout the world (21.3%), the war in Syria and the resulting high number of victims and refugees (17%), as well as the social and political situation in Israel (10.6%).

With regard to the changes in Holocaust guidance in the next few decades – many guides noted that the fundamental change is dealing with the death of the survivors and the inability to hear first-person testimonies about the events (15%), and consequently –

a transition to teaching based on videotaped documentary materials (23.5%). About one fifth of the guides believed that Holocaust instruction will not change (21.5%), and a small part were concerned of the declining significance of the subject (8.5%).

E. The guides' attitudes to the contents of Holocaust instruction

The main relevant events for Holocaust instruction according to the guides are general historical developments (61.7%), the deportation and murder of the Jews and the uprisings in the ghettos and camps (53.2%), revolt (42.6%), the rescue of Jews by righteous gentiles and the Wannsee Conference (15%). The guides contended that these events are important because they led to a historical change or were related to the Holocaust of the Jews.

The most important sites for inclusion in the guidance in Poland are, as perceived by two thirds of the guides, visits to death camps or ghettos (66%). However, other types of sites that are significant were also mentioned, including monuments (19%) and museums (17%), remnants of Jewish quarters throughout Poland (19%), yeshivas and synagogues (17%). The main reasons brought by the guides for the significance of these sites for Holocaust education is the contribution of visiting the sites to understanding and illustrating history (57.4%), and since visiting these sites begins a discussion on general issues related to the topic of the Holocaust (32%).

The main places in Israel mentioned as significant for the guidance are the Ghetto Fighters' Museum (23.4%), the Yad Vashem museum (19%), general sites of Israeli history (11%) such as Masada or the Clandestine Immigration Museum. The significance of visiting these places for teaching about the Holocaust is, according to the guides, that they teach history (25.5%) and begin a discussion on issues related to the Holocaust (15%).

The main means of guidance used by the guides for teaching about the Holocaust are viewing photographs or films (57.4%), reading poems or prose (53.2%), testimonies by survivors (46.8%). The main significance of using these instruction tools is, according to the guides, that they connect those exposed to them to the topic of the Holocaust (70%).

CONCLUSION AND DISCUSSION

"Only remnants of walls will testify to what had been here" (Mordechai Gebirtig, 1938. (from Yiddish: Avraham Levinson).

This study explores the role of monuments and commemoration sites in instilling Holocaust remembrance, in the world in general and in Israel in particular. These sites are taught and rendered accessible by guides from Israel in journeys they lead, particularly to regions of the death camps in Poland.

The interviews we conducted revealed background characteristics of guides to Poland, their connection with the Holocaust, and continuing guidance development they received on the subject. We expected that all these characteristics and the background information would be associated with the features of their guidance, as manifested in the memorial sites that they lead for Holocaust remembrance.

We expected to find an association between Holocaust and heroism, an association between remembrance of the Holocaust victims and remembrance of those who died in Israel's war, as these two events arise in Israeli consciousness, expressed on the Memorial Day for Holocaust and Heroism instituted in Israel. We explored whether "guides to Poland" also focus on commemoration sites in Israel in order to impart to the young generation an awareness of the increasing dangers of anti-Semitism around the world and the association with Israel.

These expectations arose as we saw that two thirds of the guides were men, hence the assumption that they had served in the IDF, are part of life in Israel and have contributed to the country. Most had a direct connection with the Holocaust and had underwent professional development on the subject of the Holocaust in Israel. Some were religious and people of faith for whom the link to the land and its sites is even clearer. Hence, the hypothesis was that guides to Poland would take the journey and its participants to the land established on the ashes of those who had perished.

The study indicates that commemoration of the Holocaust focuses on the suffering, the tragedy, and less on the revival, the connection between the Holocaust and Israel. This although in Israeli consciousness Holocaust and heroism come together. Hence, the process of instilling remembrance of the Holocaust and its heritage may have been distorted by disregarding the many commemoration sites and monuments scattered throughout Israel. Aiming the beacon of commemoration at Poland, outside Israel, prevents the public and particularly teens from being exposed and seeing the natural connection formed in Israel between Holocaust and revival, which preserves the connection between the generations.

Now that seven decades have elapsed since the events of the Holocaust, important questions are arising, such as: Who will continue telling the story? How will it be told? What will remain of it? In order to examine these questions, the current study engages in a case study of Israeli guides to Poland who are in charge of imparting this chapter of human history. As we saw, of the interviews held with 47 such guides, of whom the absolute majority were Israeli born, the large majority were academics, and many have a Master's or PhD degree. They appear to be "exporting remembrance". The study explored, as stated, other diverse essential parameters regarding the profile of "guides to Poland" – Where did they receive their professional development? What is their personal connection to the subject? What is their attitude to the universal and Jewish narrative of the Holocaust? Although they appear to have a strong connection to Israel and they possess an "identification card" that consists of adequate components for conveying the message, in their guidance of the Israeli public and youth on Holocaust commemoration they disregard the many

local commemoration sites and direct the participants mainly to commemoration sites in Poland. This important guidance task is embodied by what the public knows as the journey to Poland.

The research findings have educational meaning for the role of tours of Holocaust commemoration sites and raise the significance of value-based connection between Holocaust and heroism concerning its meaning for Jews, Israelis, and the entire world. In addition, Holocaust education in the 21st century is a challenge. Few events in history have had an effect or implications for all humanity. But the balance between the Jewish story, that must be preserved, and the universal story – is a particularly grave challenge.

Hence, due to the challenges involved in preserving remembrance of the constitutive event of the 20th century, it is necessary to explore the possibility of change in Holocaust guidance and instruction:

- **Enable student involvement** in planning visits to commemoration sites.
- **Equip students with prior knowledge –** What do our students know about the story underlying the Holocaust sites? A great deal of effort is necessary in order to involve the students and their teachers in the subject and to render past events relevant.
- **Grant students tools for knowledge –** There is lots of online material worldwide on the Holocaust and it is much easier to find material than to decide what material to choose. Our challenge is to teach our students to chart material, to analyze, and to criticize.
- **Choose commemoration sites in Israel and elsewhere –** Combining sites from Poland and from Israel. In this way we can establish the compatibility and balance between the Holocaust and heroism both for young people in Israel and in the universal consciousness. We must choose central historical sites that we believe will be relevant for our students. The students should be exposed to places, people, who operated in this period that has become the constitutive event of the 20th century. Students should be allowed to guide, relate, connect, and link their reality to the past reality.
- **Choose methodologies that are compatible with the ethos of the Holocaust and heroism –** If we assume that the murder of the Jews is a result of history, we must teach it as an outcome of history. Teaching the history of the Holocaust is a topic that requires us to be aware of its complexity. The journey, experiential as it may be, cannot replace teaching history, and survivors are not historians. They can only tell their personal story. As teachers, we are responsible to place the survivor's testimony in a wider context. We know that the personal story is an element that helps transform historical events into more personal ones, as Steven Spielberg said that *the destructive events of the Holocaust are not faceless, they happened… men and women and children with names and faces and families and dreams. Simple people like us.*
- **Students must be given tools to deal with the sights of the Holocaust –** in the Jewish context and in the universal context. It is necessary to prepare for the next decade when a fundamental change will occur in Holocaust education, as teachers will not be able to bring survivors in order to enliven the events, and the power of a video, book, film, play, or picture is limited despite their ability to transform history into a living story for the students. Therefore, we must ensure that the silent testimony of stones and matter will summon a living encounter with that which was.

Finally, the most significant value-based subject for learning about the Holocaust is the danger of apathy. Therefore, the commemoration sites and monuments spread in open spaces, such that it is hard to disregard them – have a significant role in Holocaust education and in Holocaust remembrance for young people in Israel and elsewhere. The commemoration sites call upon us to see – to be involved – not to disregard. It is necessary to stress humankind – choice and lack of choice in our life. It is necessary to focus on the relevance of the Holocaust's lessons for the next generations. To stress the hope that people, both young and old, are capable of generating change in the world, to remind of the consequences of prejudice and hatred, and to promote mutual respect and understanding between human beings. The students form important links between history and moral choices in their life and learn that small decisions too can have huge consequences. When teaching about the Holocaust we cannot fix the world and find solutions to all evils of humanity. But we may be able to advance a small way towards a better world that we can pass on to the next generation.

The Holocaust may be seen as an important part of human history, one that caused a shock in the past and is continuing to shock the very foundations, everything we thought we knew about human nature. The scope, the intensity, the planning, the operation, the precision of the Nazi killing machine – all these are a focus of interest among human beings. The topic, which was once kept hidden, has become in time a focus of interest all over the world. The intensity and complexity of the subject has generated hope among educators and policy makers that this is the path to salvation – by being exposed to these difficult contents we will manage to touch our children's souls, to teach by elimination how one should behave and what should be avoided.

Many make use of the history of the Holocaust – for good and for bad. Each country and educational institution take remembrance where they wish – some choose to promote national and local values, others prefer to see in the events a lesson for all humanity, and in any case – the tension between the unique and universal values is evident in the different programs. In Israel as elsewhere, the issue of the balance between the different aspects is encountered – between the need to teach about the Jewish part of the Holocaust and events that are unique to the different European countries and to the entire world that allowed the events to occur.

Informal educational systems in Israel and around the world focus on the direct sensory experience of "Holocaust sights". In Poland in general and in Auschwitz-Birkenau in particular we see mainly Holocaust museums and less "Holocaust sights" – those that

necessarily generate the emotional shock utilized as a catalyst for producing value-based shock. The Y generation is much less sensitive to tough sights. In the era of the information revolution, no place is too far, no sight too shocking. At the press of a button, it is possible to hold a virtual tour of sites that were once distant. In any case, even if we travel and cross the sign "Arbeit macht frei" – most of the burden will be on our imagination – imagining how the talitot, shoes, kitchenware, belonged to the victims, how they lived in the shacks and slept ten to a bunk. The expectation that the trip to Poland will generate an ethical transformation is not only exaggerated but also impossible, as no matter how shaking the experience – it is limited in time and place, and if it does not rest on some foundation, there is small chance that it will cause a transformation in one's life.

Where does historical remembrance take us? The research findings indicate that Holocaust education in Israel and in the world has the potential of generating a value-based change. The question of what is the value-based change that should be generated and how, has many varied answers. In order to avoid memory indoctrination, it is necessary to promote post-Holocaust studies that will help us anchor the memory for the next generations in customary contents that will constitute the foundation for all educational settings. In Israel and around the world educational systems are encountering challenges: How shall we impart the horror in a generation used to "fine" and "great"?What is the meaning of concepts such as anti-Semitism, racism, Nazism – in the generation of the "global"? What is the place of Israel among the nations – how is Israel's "revival" after the Holocaust manifested? What is the uniqueness of the Holocaust of the Jews versus other phenomena in the world and what is the civil meaning of the terms guilt and responsibility for the young generation?

It is evident from the study that we are at a crossroads, one that contains a challenge and requires action.

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