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### **Message from the Editor**

Greetings!

Dear readers of BIRCI Journal

We are happy to announce you that our Volume 4, No 3 has been published. There are 380 articles from 695 authors published in this current issue.

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Hope to stay in touch and meeting in our next issue.

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# The Influence of Delegative Leadership Style, Motivation, Work Environment on Employee Performance in Self-Efficiency Mediation in SNVT Housing Provision of East Java Province

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## Abstract

*This study aimed to investigate and analyze the effect of delegating leadership style, work motivation, work environment on employee performance mediated by self-efficacy in SNVT Provision of Housing in East Java Province (PNP). The population of this study was all employees of SNVT PNP. The sampling technique used a saturated sample. The data analysis technique was s the path analysis model. As the path analysis test results, this study indicated that (1) the delegative leadership style had an effect on employee performance; (2) the work motivation had an effect on employee performance; and (3) the work environment had an effect on employee performance. Moreover, this study used the Sobel test to present the effect of mediation. The results showed that (1) self-efficacy could mediate delegating leadership style to employee performance; (2) self-efficacy could mediate work motivation on employee performance; (3) self-efficacy could mediate the work environment on employee performance. Furthermore, this study concluded that the variables of delegating leadership style, work motivation, and work environment affect employee performance and could be mediated by the self-efficacy variable.*

## Keywords

delegative leadership style; work motivation; work environment; employee performance; self-efficacy



## I. Introduction

Every company has something unique that is not owned by other companies, one of the uniqueness of a company lies in its human resources. Human resources (HR) is one of the important factors that cannot even be separated from an organization, both companies and institutions. In addition, HR is also a factor that affects the development of a company (Hadi, 2015). Human resources in a company must be managed properly in order to increase the effectiveness and efficiency of the company's organization. This can be seen from the performance of the HR in carrying out the assigned job responsibilities. HR in each company has its own characteristics and cannot be imitated by one another. The human resources referred to in this study are employees. According to Werdhiastutie et al (2020) the development of human resources should focus more on increasing productivity and efficiency. This can be realized because today's competition, especially among nations, is getting tougher and demands the quality of strong human resources as managers and implementers in an organization or institution.

Performance is a person's success in carrying out tasks, work results that can be achieved by a person or group of people in an organization in accordance with their respective authorities and responsibilities or about how a person is expected to function and behave in accordance with the tasks that have been assigned to him and the quantity, quality and time spent on the task. Each employee has different work abilities in doing the assigned tasks (Sutrisno, 2016:10).



SNVT (Specific Non-Vertical Work Unit) is a government agency that manages in improving infrastructure in the housing sector to help people who still have uninhabitable houses (RTLH). SNVT for Housing Provision is located in various provinces in Indonesia, one of which is SNVT for Housing Provision for East Java Province, which is one of the government programs in infrastructure development in East Java Province.

In research related to employee performance, the variables chosen by the author in this study are leadership style, motivation, work environment and self-efficacy. There are several types of leadership styles that exist but in this study the leadership style that will be studied is the delegative leadership style. This is because it adapts to the existing conditions at the research location based on the results of direct observations in the field that the existing leadership style tends to lead to a type of delegative leadership style.

The considerations in choosing the four variables are 1) the variable of the delegative leadership style, because the leadership style can affect the performance of employees, this delegative leadership style tends to encourage the ability of its employees to be able to work as desired and pay less attention to the processes carried out by subordinates in delegating tasks. and the responsibilities that have been given, such as research from Prasetya et al.(2017), which states that the delegative leadership style affects employee performance; 2) work motivation variable, because work motivation can affect employee performance with motivation in employees it is expected that each individual employee is willing to work hard and enthusiastically in completing work so that it will produce high work productivity, as is the case with research from Amalia and Fakhri (2016 ), which states that work motivation affects employee performance; 3) work environment variables, because the work environment is a very important component for employees in carrying out work activities by paying attention to a good work environment and creating comfortable working conditions that will provide motivation for enthusiasm in completing work, such as research from Budianto and Katini (2015), which states that the work environment affects employee performance; 4) employee performance variable, because employee performance can affect the employee's work results in carrying out the duties and responsibilities that have been given to him both in quality and quantity; 5) self-efficacy variable, because self-efficacy is needed in employees to complete work because with employees having high self-efficacy, employees will be sure and try their best to be able to complete all tasks and responsibilities that have been given to them by the leadership, as well as research from Mukrodi (2018), which states that self-efficacy has an influence on the level of employee performance.

And the issue that will be discussed in this study are 1) Does the delegative leadership style affect the performance of employees at SNVT for Housing Provision in East Java Province?; 2) Does motivation affect employee performance at SNVT for Housing Provision in East Java Province?; 3) Does the work environment affect the performance of employees in SNVT for Housing Provision in East Java Province?; 4) Does the delegative leadership style affect employee performance mediated by self-efficacy in SNVT for Housing Provision in East Java Province?; 5) Does motivation affect employee performance mediated by self-efficacy in SNVT for Housing Provision in East Java Province?; and 6) Does the work environment affect employee performance mediated by self-efficacy in SNVT for Housing Provision in East Java Province?.

Based on the background that has been described, the author conducts research and in-depth studies in a scientific work in the form of a thesis with the title "The Influence of Delegative Leadership Style, Motivation and Work Environment on Employee Performance Mediated by Self-Efficacy in SNVT Housing Provision in East Java Province"

## **II. Review of Literature**

### **2.1 Employee Performance**

Employee performance is the result of work in quality and quantity achieved by an employee in carrying out his duties in accordance with the responsibilities given to him (Mangkunegara, 2016: 67). Meanwhile, according to Simanjuntak in Widodo (2015: 1) states that employee performance is individual performance as a level of achievement or a person's work results from targets that must be carried out within a certain time.

### **2.2 Self-Efficacy**

Omford explained that self-efficacy is the belief that a person is able to carry out tasks in a certain way to achieve certain goals (Fattah, 2017: 55). Rosyiana (2019:102) also explains Bandura's opinion regarding employee self-efficacy as a belief in the ability of employees to be able to organize and carry out a series of actions that are considered necessary to produce a work result.

### **2.3 Delegative Leadership Style**

Hasibuan (2014:172) states that the Delegative Leadership Style is a leadership style that does not care about how subordinates make decisions and do their work, completely left to their subordinates. This is reinforced by his leadership style which tends to be less concerned with the processes carried out by subordinates in delegating the tasks and responsibilities that have been given. Furthermore, Hasibuan explained that delegative leadership is leadership that is characterized when a leader delegates authority to subordinates somewhat completely. Here the leader hands over responsibility for the implementation of the work to the subordinates in the sense that the leader wants his subordinates to be able to control themselves in completing the work.

### **2.4 Work Motivation**

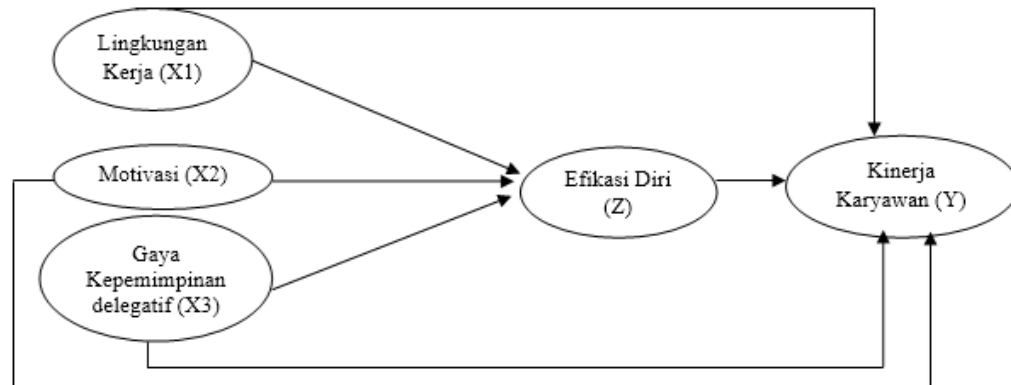
Work motivation is a capital in moving and directing employees or workers to be able to carry out their respective duties in achieving goals with full awareness, enthusiasm and responsibility (Hasibuan, 2008: 117). This motivation is important because with motivation it is expected that each individual employee will work hard and be enthusiastic to achieve high work productivity (Sunyoto, 2015:45).

### **2.5 Work Environment**

The work environment is a very important component when employees perform work activities. By paying attention to a good work environment or creating working conditions that are able to provide motivation to work, it will have an influence on employee performance at work (Sunyoto, 2015: 38). The work environment is an environment where employees can carry out their daily duties with all the work facilities and infrastructure needed to carry out these tasks (Widodo, 2015: 95).

## 2.6 Conceptual Framework

To facilitate understanding in this research, the following research model is needed.



*Figure 1. Conceptual Framework*

### Hypothesis

H1: Delegative Leadership Style has an effect on employee performance.

H2: Work motivation has an effect on employee performance.

H3 : The work environment has an effect on employee performance.

H4: Delegative Leadership Style has an effect on mediated employee performance on self-efficacy

H5: Work motivation affects employee performance mediated by self-efficacy

H6: The work environment affects employee performance mediated by self-efficacy

## III. Research Methods

The type of research in this research is quantitative research. Quantitative research is research that emphasizes testing theories and hypotheses through measuring research variables in the form of numbers (quantitative) and analyzing data using statistical procedures or mathematical modeling (Efferin et al, 2008:47). The population in this study were all SNVT PNP employees of East Java Province, with 48 people. In this study, the sampling technique used a saturated sample. According to Sugiyono (2017:85) the saturated sampling technique is a sampling technique where all members of the population are used as samples. The sample used in this study is 48 total samples, namely all employees of SNVT PNP East Java Province.

The source of data is primary data, which is data obtained directly from respondents. Primary data in this study were obtained from questionnaires filled out by respondents directly and observations made by researchers. In collecting data, the researchers used the following steps: Field research is a research method that conducts research directly on the object of research, in this case is the SNVT PNP East Java Province. This field research was conducted by collecting data and administering a questionnaire. Questionnaire is a data collection technique by distributing questionnaires to respondents with the aim of obtaining the required data.

## IV. Results and Discussion

### 4.1 Descriptive Results Characteristics of Respondents

The descriptive characteristics of respondents in this study include gender, age, last education, and years of service. The sample used in this study were 48 people who worked at SNVT for Housing Provision in East Java Province. The following is a descriptive explanation of the characteristics of the respondents which are translated into several tables.

**Table 1.** Gender Characteristics of Respondents

Gender	Amount	Percentage
Man	32	66.7%
Woman	16	33.3%

Source: Processed data, 2020

Based on Table 1 above, it can be seen that the number of man respondents was 32 people with a percentage of 66.7%, while the number of woman respondents was 16 people with a percentage of 33.3%.

**Table 2.** Characteristics of Respondent Age

Age	Amount	Percentage
Age of 20 - 30 years	34	70.8%
Age of 31 - 40 years	13	27.1%
Age of 41 – 50 years	1	2.1%
Age of > 50 years	-	-

Source: Processed data, 2020

Based on Table 2 above, it can be seen that the number of respondents aged 20-30 years is 34 people with a percentage of 70.8%; age 31-40 years as many as 13 people with a percentage of 27.1%; age 41-50 years as many as 1 person with a percentage of 2.1%.

**Table 3.** Characteristics of Respondents' Education

Education	Amount	Percentage
SD	-	-
SMP	-	-
SMA	-	-
Sarjana	48	100%

Source: Processed data, 2020

Based on Table 3 above, it can be seen that the number of respondents in this study were all undergraduate education, which was 100%. This means that the information that can be known from the East Java SNVT employees who became respondents in this study with a total of 48 respondents being undergraduate education.

**Table 4.** Characteristics of Respondents Working Period

Working Period	Amount	Percentage
Working Period < 1 year	1	2.1%
Working Period between 1-2 years	11	22.9%
Working Period between 3-4 years	26	54.2%
Working Period > 4 years	10	20.8%

Source: Processed data, 2020



Based on Table 4 above, it can be seen that the number of respondents who have a working period of less than 1 year is 1 person with a percentage of 2.1%; working period of 1-2 years as many as 11 people with a percentage of 22.9%; working period of 3-4 years as many as 26 people with a percentage of 54.2% and working period of more than 4 years as many as 10 people with a percentage of 20.8%.

## 4.2 Validity and Reliability Test Results

### a. Validity Test

Validity test is used to determine that the instrument used is valid/feasible or not to be used in a study. The validity test in this study uses the SPSS program and the basis for making decisions on the validity test is by comparing the r-count numbers with the r-table. The calculated r in this study was calculated using SPSS while the r table used was a minimum r table of 0.3 (Sugiyono, 2016:177). The results of the validity test in this study are shown in the following table:

**Table 5.** Validity Test Results

No. Of Pieces	r calculate	r table	Description
X1.1	0,651	0,3	Valid
X1.2	0,664	0,3	Valid
X1.3	0,603	0,3	Valid
X1.4	0,618	0,3	Valid
X1.5	0,624	0,3	Valid
X1.6	0,702	0,3	Valid
X1.7	0,612	0,3	Valid
X1.8	0,644	0,3	Valid
X1.9	0,613	0,3	Valid
X1.10	0,615	0,3	Valid
X1.11	0,533	0,3	Valid
X1.12	0,524	0,3	Valid
X1.13	0,616	0,3	Valid
X1.14	0,524	0,3	Valid
X1.15	0,614	0,3	Valid
X2.1	0,379	0,3	Valid
X2.2	0,419	0,3	Valid
X2.3	0,428	0,3	Valid
X2.4	0,466	0,3	Valid
X2.5	0,568	0,3	Valid
X2.6	0,410	0,3	Valid
X2.7	0,321	0,3	Valid
X2.8	0,468	0,3	Valid
X2.9	0,301	0,3	Valid
X2.10	0,418	0,3	Valid
X2.11	0,429	0,3	Valid
X2.12	0,424	0,3	Valid
X2.13	0,508	0,3	Valid
X3.1	0,405	0,3	Valid
X3.2	0,380	0,3	Valid
X3.3	0,464	0,3	Valid
X3.4	0,509	0,3	Valid
X3.5	0,388	0,3	Valid
X3.6	0,633	0,3	Valid
X3.7	0,438	0,3	Valid

No. Of Pieces	r calculate	r table	Description
X3.8	0,553	0,3	Valid
X3.9	0,611	0,3	Valid
Z.1	0,620	0,3	Valid
Z.2	0,605	0,3	Valid
Z.3	0,620	0,3	Valid
Z.4	0,650	0,3	Valid
Z.5	0,601	0,3	Valid
Z.6	0,667	0,3	Valid
Z.7	0,615	0,3	Valid
Z.8	0,610	0,3	Valid
Z.9	0,620	0,3	Valid
Y.1	0,722	0,3	Valid
Y.2	0,731	0,3	Valid
Y.3	0,715	0,3	Valid
Y.4	0,702	0,3	Valid

Source: Processed SPSS data, 2020.

Based on the results of SPSS calculations in the table above, it states that the questionnaire is valid or feasible to use because the t-count value of each item is greater than 0.3.

#### b. Reliability Test

This reliability test is used to see the extent to which the measurement results with the same object produce the same data. This reliability test is calculated using the SPSS program by comparing the Cronbach alpha number with the provision that the minimum value of the Cronbach alpha number is 0.6. The results of the reliability test in this study are shown in the following table:

**Table 6.** Reliability Test Results

Variable	Cronbach's Alpha	Description
Delegative leadership style (GKD)	0,873	Reliable
Work Motivation (MK)	0,795	Reliable
Work environment (LK)	0,759	Reliable
Self-efficacy (ED)	0,889	Reliable
Employee Performance (KK)	0,815	Reliable

Source: Processed SPSS data, 2020.

Based on the results of SPSS calculations in Table 6 above, it is stated that the questionnaire for each variable is reliable to use because the Cronbach's alpha value is > 0.6.

#### 4.3 Structural Equation Model Analysis Results 1

The regression of the structural equation model 1 (one), namely the delegative leadership style, work motivation, and work environment on self-efficacy, following the test results of the structural equation model 1 as shown in table 7:

**Table 7.** Structural Equation Model 1

Variable	Coefficient	t count	Significant
Constant	35.574		
Delegative Leadership Style	0.183	2.832	0.007
Work motivation	0.043	2.449	0.017
	0.138	2.549	0.014
Work environment		0.283	
R Square		0,000	
Significant F count		48	

Source: Processed data, 2020

#### 4.4 Results of Regression Analysis of the 2 Structural Equation Model

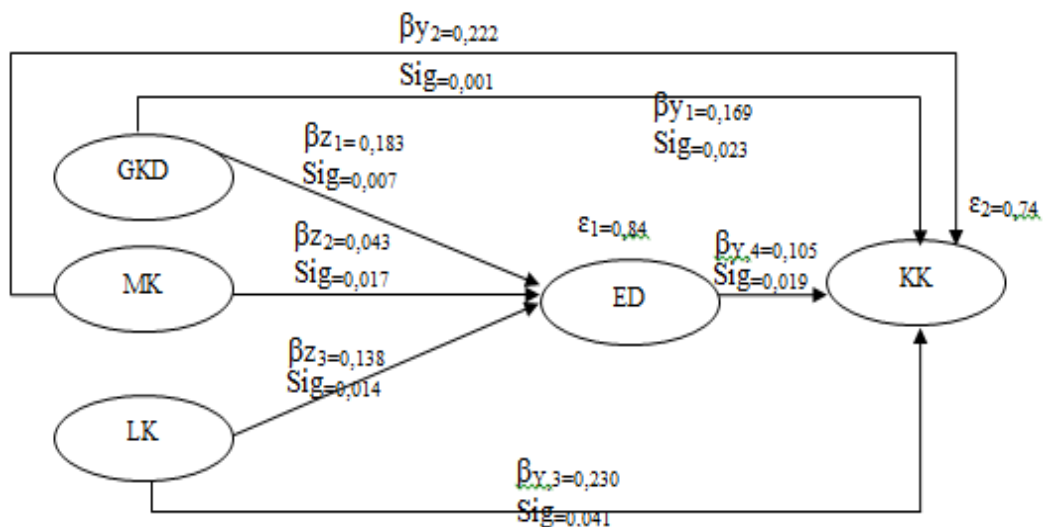
The regression of the structural equation model 2 (two), namely the delegative leadership style, work motivation, work environment, on employee performance through self-efficacy as an intervening variable, following the results of the structural equation model 2 test results as table 8:

**Table 8.** Structural Equation Model 2

Variable	Coefficient	t count	Significant
Constant	3,417		
Delegative Leadership Style	0,169	2,361	0,023
Work motivation	0,222	3,593	0,001
	0,230	2,106	0,041
Work environment	0,105	2,429	0,019
Self-Efficacy		0. 443	
R Square		0,000	
Significant F count		48	

Source: Processed data, 2020.

Based on the results of the path analysis output, it is compiled into a path analysis model as follows:

**Figure 3.** Structural Equation Diagram

## 4.5 Classic Assumption Test Results

### a. Normality Test

This normality test is used to determine the distribution of a data that is normally distributed or not. This normality test uses the Kolmogorov-Smirnov test. The results of this test can be seen in the following table. The purpose of the normality test is to determine whether the residual data from the linear regression model has a normal distribution or not (Ghozali, 2011: 160). The following are the results of the One-Sample Kolmogorov-Smirnov test as shown in table 9 below:

**Table 9.** *One-Sample Kolmogorov-Smirnov Test*

		Unstandardized Residual
N		48
Normal Parameters <sup>a,b</sup>	Mean	0E-7
	Std. Deviation	,95824290
Most Extreme Differences	Absolute	,141
	Positive	,090
	Negative	-,141
Kolmogorov-Smirnov Z		,976
Asymp. Sig. (2-tailed)		,297

a. Test distribution is Normal.

b. Calculated from data.

Source: Processed data, 2020

Based on the results of the One-Sample Kolmogorov-Smirnov test as shown in table 4.14, it shows that the asympt value. Sig (2-tailed) of 0.297. Because the value is  $0.297 > (0.05)$ , it can be concluded that the data is normally distributed. This means that all independent variables are normal distributions, so that the residual data will form a linear regression model.

### b. Multicollinearity Test

This test is used to test whether or not there is a correlation between independent variables in the regression model. If there is a correlation between independent variables, then the regression model becomes biased. With the provision of a good path analysis model, there should be no correlation between the independent variables. The cut off value that is generally used to show that all independent variables do not have multicollinearity problems is the tolerance value  $> 0.10$  or the VIF value  $< 10$  (Sujarweni, 2015:185). The following are the results of the multicollinearity test, as shown in table 10:

**Table 10.** *Multicollinearity Test*

Independent variable	Collinearity Statistics Value	
	Tolerance	VIF
Delegative Leadership Style	0,866	1,155
Work motivation	0,897	1,115
Work environment	0,864	1,157
Self Efficacy	0,747	1,339

Source: Processed data, 2020



Based on the results of the multicollinearity test as shown in table 4.16 above, it shows that the leadership style variable tolerance value is 0.866, work motivation is 0.897, work environment is 0.864 and self-efficacy is 0.747, the tolerance value is  $> 0.10$ . Furthermore, for the leadership style VIF value of 1.155, work environment of 1.157, work motivation of 1.115 and self-efficacy of 1.339, where the VIF value is  $< 10$ . So it can be concluded that the variables studied do not contain multicollinearity.

### c. Heteroscedasticity Test

The purpose of this test is to determine whether the variance of the residual data from one observation to another is different or fixed, if the variance of the residual data is the same it is called homoscedasticity and if it is different it is called heteroscedasticity. A good regression model is a homoscedasticity or a heteroscedasticity problem that does not occur (Sujarweni, 2015:190). The heteroscedasticity test method uses Spearman's rho correlation, which is to correlate the independent variable with the unstandardized residual value with the following conditions:

- If the value of sig 0.05, then there is no symptom of heteroscedasticity.
- If the value of sig  $< 0.05$ , then there is a symptom of heteroscedasticity.

The following are the results of the heteroscedasticity test as shown in table 11 below:

**Table 11.** Heteroscedasticity Test

<b>Independent variable</b>	<b>Correlation Coefficient</b>	<b>Sig. (2-tailed)</b>
Delegative Leadership Style	0,020	0,930
Work motivation	0,035	0,815
Work environment	0,143	0,333
Self Efficacy	0,139	0,347

Source: Processed data, 2020.

Based on the results of the heteroscedasticity test as shown in table 11. above, this shows that the significant value of each variable is the variable (Delegative Leadership Style = 0.930, Work Motivation = 0.815, Work Environment = 0.333, and Self Efficacy = 0.347) significant value ( 0.05). This means that the variables studied do not contain elements of heteroscedasticity.

After testing the research instruments, where all the test instruments are declared valid and reliable, and also further testing the classical assumptions, where all the variables studied do not violate the assumptions of regression or classical assumptions, so that the model under study does not become biased when making decisions. Path analysis and hypothesis testing will be conducted.

### 4.6 Path Model Analysis

The path model test is used to determine and develop a model of the influence between the independent variable (exogenous) and the dependent variable (endogenous) both directly and indirectly (Robert D. Retherford 1993). This path model test is also used to calculate Sobel's t. This model test is also used to determine the mediating effect of each variable studied in this study using the formula of t Sobel.

To determine the effect of the mediating variable, the theory developed by Sobel (1982) is used and known as the Sobel test (Sobel test) (Ghozali, 2011: 248). The Sobel test is carried out by testing the strength of the indirect effect of X to Y through Z. To

calculate the value of the Sobel t test using Calculation for the Sobel test software. The following are the results of the path model test with SPSS program rocks, the Anova table, Coefficients table and Model Summary table are obtained, the following are the test results for each path model.

#### a. Test Path Model 1

In accordance with the theory of Kenny and Baron (1986), Sobel (1982), Goodman (1960) below to determine the mediating effect of the intervening variable, each path model developed by the researcher will be tested. In this research there are 3 (three) path models, including path 1 model, namely the influence of delegative leadership style on employee performance through self-efficacy, path 2 (two) model, namely the influence of work motivation on employee performance through self-efficacy, and path 3 (three) models. ) namely the influence of the work environment on employee performance through self-efficacy. Furthermore, the path model 1 (one) test was conducted, namely the influence of the delegative leadership style on employee performance through self-efficacy. The following are the results of the path 1 model test as shown in table 12: Delegative Leadership Style Path Model on Employee Performance through Self-Efficacy

**Table 12.** Delegative Leadership Style Path Model on Employee Performance through Self-Efficacy

Variable	Beta coefficient	t count	Significant
<b>Main Effect X1 to Y</b>			
Delegative leadership style	0,271	2,908	0,016
<b>X1 to Z mediating effect</b>			
Delegative leadership style	0,275	2,937	0,006
<b>Simultaneous effect</b>			
Delegative leadership style	0,179	2,273	0,021
Self Efficacy	0,334	2,373	0,022
R Square		0,472	
Significant F count		0,013	
N		48	

Source: Processed data, 2020

Based on the analysis test results of path 1 (one) model as shown in table 12, it shows that the beta coefficient value from the main effect of the independent variable to the dependent variable (delegative leadership style to employee performance = 0.271) and the effect of the independent variable to the intervening variable (leadership style to efficacy). self = 0.275) and the simultaneous effect of variables (delegative leadership style = 0.179 and self-efficacy = 0.334) means positive because it shows a unidirectional change between the independent variable and the dependent variable through the intervening variable.

#### b. Test Path Model 2

Test path model 2 (two), namely the effect of work motivation on employee performance through self-efficacy. The following are the test results of the path 2 model as table 13:

**Table 13.** Pathway Model of Work Motivation on Employee Performance Through Self-Efficacy

Variable	Beta coefficient	t count	Significant
<b>Main Effect X2 to Y</b>			
Work motivation	0,218	2,255	0,002
<b>X2 to Z mediating effect</b>			
Work motivation	0,309	2,203	0,033
<b>Simultaneous effect</b>			
Delegative leadership style	0,332	2,439	0,019
Self Efficacy	0,486	3,569	0,001
R Square		0,246	
Significant F count		0,002	
N		48	

Source: Processed data, 2020

Based on the results of the analysis of the path model 2 (two) as shown in table 4.19, it shows that the beta coefficient value from the main effect of the independent variable to the dependent variable (work motivation to employee performance = 0.218) and the effect of the independent variable to the intervening variable (work motivation to self-efficacy). = 0.309) and the simultaneous effect of the variables (work motivation = 0.332 and self-efficacy = 0.486) means that it is positive because it shows a unidirectional change between the independent variable and the dependent variable through the intervening variable.

### c. Test Path Model 3

The path model test is used to determine whether the intervening variable is able to mediate the effect of the independent variable on the dependent. Test path model 3 (three), namely the influence of the work environment on employee performance through self-efficacy. The following are the test results of the 3 (three) path model as shown in table 14:

**Table 14.** Work Environment Path Model on Employee Performance Through Self-Efficacy

Variable	Beta coefficient	t count	Significant
<b>Main Effect X to Y</b>			
Work environment	0,467	3,582	0,001
<b>X to Z . mediating effect</b>			
Work environment	0,265	2,586	0,013
<b>Simultaneous effect</b>			
Work environment	0,393	3,019	0,004
Self Efficacy	0,279	2,142	0,038
R Square		0,290	
Significant F count		0,000	
N		48	

Source: Processed data, 2020

Based on the results of the analysis test of the path 3 (three) model as shown in table 4.20, it shows that the beta coefficient value from the main effect of the independent variable to the dependent variable (work environment to employee performance = 0.467) and the effect of the independent variable to the intervening variable (work environment to self-efficacy). = 0.265) and the simultaneous effect of the variables (work environment = 0.393 and self-efficacy = 0.279) means positive because it shows a unidirectional change between the independent variable and the dependent variable through the intervening variable. After the path model test is known, then the model feasibility test and hypothesis testing will be carried out.

#### 4.7 Model Feasibility Test (Test f)

The purpose of the model's feasibility test (goodness of fit) According to Ghazali (2011) to find out how much the independent variables explain the dependent variable in the model, using the F test and the significance level = 0.05. The decision making criteria is based on the following provisions:

- a. If the significant value is 0.05, the hypothesis is rejected, which means that the independent variable has no effect on the dependent variable or the model is not feasible.
- b. If the significant value is  $<0.05$ , the hypothesis is accepted, which means that the independent variable affects the dependent variable or the model is feasible.

Based on the test results of the structural equation model as shown in table 7 and table 8, it shows that the structural equation model 1 and the structural equation model 2 have a significant value  $< (0.05)$ , this means it is accepted, which means the structural equation model 1 and the structural equation model 2 observed is a feasible model. This shows that the variables of delegative leadership style, work environment, and work motivation are able to explain employee performance variables with self-efficacy variables as intervening variables.

#### 4.8 Hypothesis Test (t Test)

Test the hypothesis by using the t test as a reference to show the influence of the independent variables individually in explaining the dependent variable. This test is carried out by comparing the significance value with = 0.05, where decision making is based on the following provisions:

- a. If the significant value is 0.05, then the hypothesis is rejected, which means that the independent variable has no effect on the dependent variable.
- b. If the significant value  $<0.05$  then the hypothesis is accepted which means that the independent variable affects the dependent variable.

Based on the results of the regression model test as shown in table 4.13, the hypothesis test can be explained as follows:

1. Hypothesis Test 1: Delegative Leadership Style has a positive and significant effect on employee performance.

The results of the structural equation analysis test as shown in table 4.13 show that the significant value of delegative leadership style on employee performance is 0.023, where the significant value is  $< \alpha (0.05)$ . This means that the delegative leadership style has an effect on employee performance. With a positive regression coefficient value, this shows that the variable of the delegative leadership style has a direct relationship to employee performance. The hypothesis which states that the delegative leadership style has a positive effect on employee performance is proven.



2. Hypothesis Test 2: Work motivation has a positive and significant effect on employee performance.

The results of the structural equation analysis test as shown in table 4.13 show that the significant value of work motivation on employee performance is 0.001, where the significant value is  $< (0.05)$ . This means that work motivation has an effect on employee performance. With a positive regression coefficient value, this shows that the work motivation variable has a direct relationship to employee performance. The hypothesis which states that work motivation has a positive effect on employee performance is proven.

3. Hypothesis Test 3: The work environment has a positive and significant effect on employee performance.

The results of the structural equation analysis test as shown in table 4.13 show that the significant value of the work environment on employee performance is 0.041, where the significant value is  $< (0.05)$ . This means that the work environment affects employee performance. With a positive regression coefficient value, this indicates that the work environment variable has a unidirectional relationship with employee performance. The hypothesis which states that the work environment has a positive effect on employee performance is proven.

4. Hypothesis Test 4: Delegative Leadership Style has a positive and positive effect significant effect on employee performance through self-efficacy as a variable intervention.

To find out the delegative leadership style has an effect on employee performance through self-efficacy, the t-sobel formula is used. The calculation of the Sobel t formula by looking at the regression results of the path 1 model, using the software Calculation for the Sobel test, the Sobel t formula can be known. According to Latan and Temalagi (2013), the mediating variable, namely self-efficacy, is able to mediate if the Sobel t value is  $> 1.96$ .

Here are the calculation results for the Sobel test for the path 1 model.

#### To conduct the Sobel test

Details can be found in Baron and Kenny (1986), Sobel (1982), Goodman (1960), and MacKinnon, Warsi, and Dwyer (1995). Insert the  $a$ ,  $b$ ,  $s_a$ , and  $s_b$  into the cells below and this program will calculate the critical ratio as a test of whether the indirect effect of the IV on the DV via the mediator is significantly different from zero.

Input:		Test statistic:	Std. Error:	p-value:
$a$	0.271	Sobel test:	2.14910756	0.04211702
$b$	0.334	Aroian test:	2.094162	0.04322206
$s_a$	0.083	Goodman test:	2.20861813	0.04098219
$s_b$	0.117	Reset all	Calculate	

Alternatively, you can insert  $t_a$  and  $t_b$  into the cells below, where  $t_a$  and  $t_b$  are the t-test statistics for the difference between the  $a$  and  $b$  coefficients and zero. Results should be identical to the first test, except for error due to rounding.

**Figure 4.** The results of the t sobel calculation Hypothesis 4

Based on the results of the Sobel t calculation using the Calculation for the Sobel test software, it shows that the Sobel t count is 2.149, when compared to 1.96, so the Sobel t value (2.149) is greater than 1.96. This means that the self-efficacy variable is able to mediate the influence of the delegative leadership style on employee performance. The hypothesis which states that self-efficacy is able to mediate the influence of delegative leadership style on employee performance is proven.

5. Hypothesis Test 5: Work motivation has a positive and significant effect on employee performance through self-efficacy as an intervening variable.

To determine the effect of work motivation on employee performance through self-efficacy, the t-sobel formula is used. The calculation of the Sobel t formula by looking at the regression results of the path 2 model, using the Calculation for the Sobel software test the Sobel t formula can be known. According to Latan and Temalagi (2013), the mediating variable, namely self-efficacy, is able to mediate if the Sobel t value is  $> 1.96$ :

**To conduct the Sobel test**

Details can be found in Baron and Kenny (1986), Sobel (1982), Goodman (1960), and MacKinnon, Warsi, and Dwyer (1995). Insert the  $a$ ,  $b$ ,  $s_a$ , and  $s_b$  into the cells below and this program will calculate the critical ratio as a test of whether the indirect effect of the IV on the DV via the mediator is significantly different from zero.

Input:		Test statistic:	Std. Error:	p-value:
$a$	0.218	Sobel test: 3.002061	0.03529175	0.00268158
$b$	0.486	Aroian test: 2.96129577	0.03577758	0.00306348
$s_a$	0.052	Goodman test: 3.04455747	0.03479915	0.00233023
$s_b$	0.113	Reset all	Calculate	

Alternatively, you can insert  $t_a$  and  $t_b$  into the cells below, where  $t_a$  and  $t_b$  are the t-test statistics for the difference between the  $a$  and  $b$  coefficients and zero. Results should be identical to the first test, except for error due to rounding.

**Figure 5.** The result of t sobel calculation Hypothesis 5

Based on the results of the Sobel t calculation using the Calculation for the Sobel test software, it shows that the Sobel t count is 3.002, when compared to 1.96, the Sobel t value (3.002) is greater than 1.96. This means that the self-efficacy variable is able to mediate the effect of work motivation on employee performance. The hypothesis which states that self-efficacy is able to mediate the effect of work motivation on employee performance is proven.

6. Hypothesis Test 6: The work environment has a positive and significant effect on employee performance through self-efficacy as an intervening variable.

To determine the effect of work motivation on employee performance through self-efficacy, the t-sobel formula is used. The calculation of the Sobel t formula by looking at the regression results of the path 2 model, using the Calculation for the Sobel software test the Sobel t formula can be known. According to Latan and Temalagi (2013), the mediating variable, namely self-efficacy, is able to mediate if the Sobel t value is  $> 1.96$ .

**To conduct the Sobel test**

Details can be found in Baron and Kenny (1986), Sobel (1982), Goodman (1960), and MacKinnon, Warsi, and Dwyer (1995). Insert the  $a$ ,  $b$ ,  $s_a$ , and  $s_b$  into the cells below and this program will calculate the critical ratio as a test of whether the indirect effect of the IV on the DV via the mediator is significantly different from zero.

Input:		Test statistic:	Std. Error:	p-value:
$a$	0.467	Sobel test: 2.42665979	0.05369232	0.01523854
$b$	0.279	Aroian test: 2.40555431	0.0541634	0.01614795
$s_a$	0.066	Goodman test: 2.44833071	0.05321708	0.01435199
$s_b$	0.108	Reset all	Calculate	

Alternatively, you can insert  $t_a$  and  $t_b$  into the cells below, where  $t_a$  and  $t_b$  are the t-test statistics for the difference between the  $a$  and  $b$  coefficients and zero. Results should be identical to the first test, except for error due to rounding.

**Figure 6.** Result of t sobel calculation Hypothesis

Based on the results of the Sobel t calculation using the Calculation for the Sobel test software, it shows that the Sobel t count is 2.426, when compared to 1.96, so the Sobel t value (2.426) is greater than 1.96. This means that the self-efficacy variable is able to mediate the influence of the work environment on employee performance. The hypothesis which states that self-efficacy is able to mediate the effect of the work environment on employee performance is proven.

#### 4.9 Coefficient of Determination (R<sup>2</sup>)

The coefficient of determination is to measure the percentage of the total variation of the dependent variable which is explained by the variation of the independent variable in the regression line. If R is getting closer to 1, the level of relationship between the two variables is getting stronger (Sugiyono, 2015: 268). Based on the results of the model test, it can be seen that for the structural equation model 1 (one) the coefficient of determination (R<sup>2</sup>) is 0.283 or 28.3%. While the structural equation model 2 (two) the value of the coefficient of determination (R<sup>2</sup>) is 0.443 or 44.3%. This shows that the variability of employee performance variables can be explained by the variability of the variables of delegative leadership style, work motivation, work environment, and self-efficacy as intervening variables. when viewed from the magnitude of the coefficient of determination of each model of structural equation 1 and model of structural equation 2, there is an increase in the value of the coefficient of determination. This means that the self-efficacy variable is an intervening variable that is able to mediate the influence of delegative leadership style, work motivation, and work environment on employee performance, due to an increase in the value of the coefficient of determination.

### V. Conclusion

From the results of research that has been conducted regarding the Influence of Delegative Leadership Style, Motivation, Work Environment on Employee Performance mediated by Self-Efficacy in SNVT Housing Provision in East Java Province, it can be concluded as follows: 1) Delegative leadership style has a positive and significant effect on employee performance. That the leader has a strategic position in a system that has responsibility in an organization because leadership is influencing, motivating, directing a group of people to achieve the desired goals, meaning that the resulting employee performance depends on the way the leader pays attention to his employees so that all work goes well. smoothly. 2) Work motivation has a positive and significant effect on employee performance. that even though the employee's abilities are maximum and the company's facilities are adequate, if there is no motivation to encourage employees to work diligently according to their goals, then the work cannot run smoothly with motivation, it is hoped that each individual employee will work hard and be enthusiastic to achieve high work productivity. 3) The work environment has a positive and significant effect on employee performance. If a working environment condition is adequate for employees, it can increase productivity at work. Vice versa, if the conditions of the work environment are inadequate, it will cause a decrease in productivity at work so that the work environment will be one of the factors that determine the performance of an employee. 4) Delegative leadership style has a positive and significant effect on employee performance mediated by self-efficacy. Apart from the attention given by the company, it will be better if it is balanced with self-efficacy or confidence in being able to complete the work given. The stronger a person's self-efficacy, the greater the effort made will have an impact on improving employee performance. 5) Work motivation has a positive and significant effect

on employee performance mediated by self-efficacy. Employee performance increases, if given motivation to work harder and self-confidence or self-efficacy in completing the given work so that all work runs smoothly, the stronger the self-efficacy, the more active the efforts made by individuals and will increase work productivity. 6) The work environment has a positive and significant effect on employee performance mediated by self-efficacy. Means that an adequate work environment affects employee performance because it is directly related to activities at work, besides self-efficacy or self-confidence is also needed to be able to complete the work given. Because a good work environment is balanced with employee self-efficacy, so that it will have an impact on improving employee performance.

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## Relationship between Job Satisfaction with Employee Commitment at PT. Barumun Agro Sentosa

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### Abstract

*This study aims to see the relationship between job satisfaction and employee commitment at PT. Barumun Agro Sentosa. The subjects in this study were employees aged 30-40 years with a length of work 4 to 10 years totaling 44 employees. The sampling technique used was purposive sampling technique. Data were collected using two scales, namely the scale of job satisfaction and the scale of employee commitment. Data analysis uses the product moment correlation technique ( $r_{xy}$ ) which is 0.424 with  $P = 0.000 < 0.05$ , meaning that there is a positive and significant relationship between job satisfaction and employee commitment, which shows that the higher the employee's job satisfaction, the higher the employee's commitment. On the other hand, the lower the job satisfaction, the lower the employee commitment. Employee job satisfaction in this study is high because (empirical mean = 108.53 > hypothetical mean = 90 where the difference exceeds  $SD = 2.050$ ). And employee commitment is also high, because (empirical mean = 102.28 > hypothetical mean = 92.5 where the difference exceeds  $SD = 3.110$ ). The coefficient of determination from the correlation is  $R^2 = 0.331$ . Job satisfaction contributes to employee commitment by 33.1%. The results of this study are in accordance with the hypothesis with the results of research in the field.*

### Keywords

job satisfaction;  
employee commitment;  
PT. Barumun Agro  
Sentosa



## I. Introduction

Job satisfaction is a sense of satisfaction obtained by employees from their work achievements that are valued by the company. According to Robbins and Judge (2008) define job satisfaction as a positive feeling about one's work which is the result of an evaluation of its characteristics. While Martoyo (2007) describes job satisfaction as an emotional state of employees where there is or does not occur a meeting point between the value of employee remuneration from the company/organization with the level of remuneration value that is desired by the employee concerned.

Job satisfaction is closely related to the situation and condition of the company. If in a company or industry in accordance with employee expectations, it will create an atmosphere that can please employees, so employees will feel satisfied to work for the company. Besides, the individual's experience at work will color his attitude outside the work environment and bring happiness in general. Employees who can meet the demands of the work environment are called satisfying people which can be reflected in their performance, and vice versa, people whose demands are met by the work environment are called people who are satisfied with their work (Zaenal, 2003).

Job satisfaction is also related to the general attitude towards a person's work, the difference between the amount of reward a worker receives and the amount they believe they should receive. The belief that satisfied employees are more productive than unsatisfied employees is a basic tenet among leaders. (Rafida et al, 2020)

Job satisfaction is related to variables such as turnover and turnover, absenteeism, age, level of work, and company organization size. (Mangkunegara, 2011). 1) Higher job satisfaction is associated with lower employee turnover. Meanwhile, employees who are less satisfied usually have a higher turnover. 2). Level of Absenteeism Employees who are dissatisfied tend to have a high absence rate. They often do not attend work for illogical and subjective reasons. 3). Age, there is a tendency for older employees to be more satisfied than employees who are relatively young satisfied. 4). Job Level, employees occupying higher levels of work tend to be more satisfied than employees who occupy lower level of work. Employees with higher levels of work show better work skills and are active in expressing ideas and are creative at work. 5). The size of the company organization, the size of the company organization can have employee satisfaction. This is because the size of the company is also related to coordination, communication, and employee participation. (Syardiansyah, et al. 2020)

In the work environment, employees experience injustice or gaps given by company policies such as closed promotion opportunities, delays in remuneration, lack of incentives and benefits provided and the absence of pleasant leadership characters will lead to decreased employee performance. This happens because employees feel unappreciated at work. So that is why many employees are resigning or there is no commitment to work seriously.

Therefore, the commitment of employees to performance or the company must be maximized because employee commitment to performance is the key to improving the quality of work and achieving company goals. High commitment to employees, the company expects that employees can be more loyal to their performance, employees know to keep secrets, employees will work as well as possible for the benefit of the company and are always highly motivated and willing to sacrifice for the company and have the spirit to move forward together

Basically a person's commitment to the company that he follows, in this case is the commitment of employees of PT. However, it will be largely determined by the high level of job satisfaction of each employee or employee, and vice versa, a high level of employee job satisfaction will have a positive effect on the work commitment of these employees. Therefore, to increase the work commitment of employees and the attitude of the employees themselves, where work commitment needs to be considered considering that job satisfaction is not an inanimate object, but will be able to change according to the activities carried out in the company concerned.

## **II. Review of Literature**

### **2.1 Employees**

According to Law Number 14 of 1969 concerning Basic Provisions Regarding Manpower in article 1, manpower is anyone who is able to do work both inside and outside the employment relationship in order to produce services or goods to meet the needs of the community. Similarly, based on the provisions of Article 1 Number 2 of Law no. 13 of 2003, labor is everyone who is able to do work to produce goods and or services, both to meet their own needs and for the community (Wijayanti, 2010: 01).

Company activities cannot run without the participation of employees. One of the things that employees must do in carrying out their work is communication. Company employees are responsible for explaining the company's actions to audiences who have an interest in the organization or company. Employees who have duties related to the public must pay attention and become a channel for back and forth between the organization and the audience, because interested audiences will always be interested in what the company does. Audiences can be divided into internal audiences, namely those who are involved in the internal work of the organization, namely the employees themselves and their families and external audiences, namely audiences outside the organization, such as the surrounding community, consumers, environmentalists and investors. Currently, every message that is conveyed cannot be delivered equally to everyone. Every organization has a particular audience. It is to this limited audience that the company's employees must always establish communication both internally and externally.

Based on the explanation above, employees are human resources who carry out company duties regulated by law and work according to the fields determined by the company.

## **2.2 Job Satisfaction**

Robbins and Judge (2008) define job satisfaction as a positive feeling about one's work which is the result of an evaluation of its characteristics. Martoyo (2007) explained that job satisfaction is an employee's emotional state in which a meeting point occurs or does not occur between the value of employee remuneration from the company/organization and the level of remuneration value that is desired by the employee concerned.

According to Kreitner and Kinicki (2001) job satisfaction is an effectiveness or emotional response to various aspects of work. Davis and Newstrom (1985) describe job satisfaction as a set of employees' feelings about whether or not their work is enjoyable. According to Robbins (2003). Job satisfaction is a general attitude towards a person's job that indicates the difference between the number of awards workers receive and the amount they believe they should receive.

Davis (1985) and Fathoni (2006) define job satisfaction as the emotional attitude of employees both when employees feel happy and not happy with their work. This attitude is reflected by work morale, discipline and work performance. So in this case it describes the amount of conformity between a person's expectations for work and the rewards he gets. In addition, Davis also provides an understanding that job satisfaction also provides life satisfaction. Job satisfaction is part of life so that job satisfaction affects life satisfaction.

Howel and Dipboye (in Novianty, 2011) define job satisfaction as the overall result of the degree to which employees like or dislike various aspects of their work. In other words, satisfaction reflects the attitude of the workforce towards their work.

## **2.3 The Relationship between Job Satisfactions with Employee Commitment**

Every organization or company needs employees in achieving goals and benefits in the competitive world of the industry. Not infrequently companies provide qualification requirements in the recruitment process to get employees who have a high commitment to the company. The number of employee turnover phenomena causes the company to lose money because they have to re-recruit with a large budget.

The emergence of high commitment in employees to the company and their work is determined by aspects that support employee commitment. Aspects of employee commitment include affective commitment, continuity commitment, and normative

commitment. If the employee has an emotional attachment, responsibility, and loyalty to the company, it can be said that the employee has commitment. Commitment itself will arise starting from a long process felt by employees during work. Bashaw and Grant (in Armstrong, 1994) explain that employee commitment to the organization is a continuous process and is an individual experience when joining an organization. These experiences provide lessons for employees in determining attitudes towards the company.

Every Individual has their own expectations at work. The fulfillment of the necessities of life is the main reason. This expectation is the fulfillment of welfare as an employee. If these expectations are met, a commitment to employees will emerge. The fulfillment of these expectations will create job satisfaction. Stum in Sopiah, (2008) states that one of the factors that influence employee commitment is job satisfaction. This happens because of the experiences in work that are liked by employees. In working, employees also feel appreciated by the company which will inspire enthusiasm and make employees committed to continue to help the company with their competencies.

According to Herzberg (in Muhaimin, 2004) the behavioral characteristics of employees feel satisfaction with the company and their work is that employees have high motivation in employees and are happier when given assignments. While the characteristics of employees who are not satisfied are employees who are lazy at work which will lead to turnover. Job satisfaction and employee commitment have a significant relationship. Proven from research on the influence of organizational culture and job satisfaction with organizational commitment. Where, by organizational culture collaboration and job satisfaction significantly affect employee commitment (Novianty, 2011).

### III. Research Methods

One important element in a scientific research is the existence of a certain method used to solve the problems encountered so that the results obtained can be justified. On the basis of this, this chapter will describe: (A) Types of Research, (B) Identification of Research Variables (C) Operational Definitions of Research Variables, (D) Population and Sampling Techniques, (E) Data Collection Methods, ( F) Validity and Reliability of Measuring Instruments (G) Data Analysis Methods.

Identification of research variables is used to test the research hypothesis. In this study, the variables used are:

1. Variablefree : job satisfaction
2. Variablebound: commitment employee

According to Sugiyono (2007), the population is a generalization area consisting of objects or subjects that have certain qualities and characteristics set by researchers to be studied and then drawn conclusions. The population of this research is PT. Barumon Agro Sentosa 40 people

Meanwhile, according to Hadi (2004), the sample is part of the population or representative of the population being studied and at least has the same characteristics and this sample will be directly subject to research. The results of the research on the sample are expected to be generalized to the entire population. The sample used in this research is PT. Barumon Agro Sentosa 40 people.

The job satisfaction scale assessment is based on a Likert scale format. The scale value of each statement is obtained from the subject's answers stating that they support (favorable) and do not support (unfavorable) to each statement in the four categories of answers, namely "Strongly Agree (SS)", "Agree (S)", "Disagree (TS)", and "Strongly

Disagree (STS)". The rating for the favorite item is a value of 4 for the answer "Strongly Agree (SS)", a value of 3 for the answer "Agree (S)", a value of 2 for the answer "Disagree (TS)", and a value of 1 for the answer "Strongly Disagree (STS)". While the assessment for the unfavorable item is a value of 1 for the answer "Strongly Agree (SS)", a value of 2 for the answer "Agree (S)", a value of 3 for the answer "Disagree (TS)", and a value of 4 for the answer "Strongly Disagree (STS)".

The assessment of the employee commitment scale is carried out based on the Likert scale format. The scale value of each statement is obtained from the subject's answers stating that they support (favorable) and do not support (unfavorable) to each statement in the four categories of answers, namely "Strongly Agree (SS)", "Agree (S)", "Disagree (TS)", and "Strongly Disagree (STS)". The rating for the favorite item is a value of 4 for the answer "Strongly Agree (SS)", a value of 3 for the answer "Agree (S)", a value of 2 for the answer "Disagree (TS)", and a value of 1 for the answer "Strongly Disagree (STS)". While the assessment for the unfavorable item is a value of 1 for the answer "Strongly Agree (SS)", a value of 2 for the answer "Agree (S)", a value of 3 for the answer "Disagree (TS)", and a value of 4 for the answer "Strongly Disagree (STS)".

Testing the validity of the measuring instrument in this case the scale is carried out based on internal validity, namely by looking at the correlation of each item with the total score of the entire item. According to Siregar (2017) the analysis method uses Pearson's Product Moment correlation. The use of this technique is to see the relationship between the variables in the study.

$$R_{xy} = \frac{N \sum XY - (\sum X)(\sum Y)}{\sqrt{\{N \sum X^2 - (\sum X)^2\} \{N \sum Y^2 - (\sum Y)^2\}}}$$

Information:

R <sub>xy</sub>	: Correlation coefficient between independent variables X (satisfaction work) with the dependent variable Y (employee commitment)
XY	: The number of products between the scores of the independent variable and the dependent variable
X	: Number of score variable X
Y	: Number of score variable Y
X <sup>2</sup>	: Number of quadrants scores variable X
Y <sup>2</sup>	: Number of quadrants scores variable Y
N	: Amount subject

The reliability of measuring instruments is to find and find out how far the measurement results can be trusted. Reliability can also be said to be trustworthiness, authenticity, constancy, stability, consistency, and so on. The measurement results can be trusted if in several times the measurement of the same subject group obtained relatively the same results as long as the subject being measured has not changed (Azwar, 2015). The scale that will be estimated reliability in the same amount. To determine the reliability of the measuring instrument, the Cronbach Alpha formula is used as follows:



$$= \frac{n}{n-1} \sigma^2_{1-bt}$$

Information:

r : Reliability instrument

n : Number of items questions or questions.

2b : Number of item variants

2 : Variable total

The normality test is to find out whether the distribution of research data for each variable has spread normally. This normality test uses the Kolmogorov-Smimov test technique, with the help of the SPSS for Windows computer. Kolmogorov-smimov is a test that shows the degree of correspondence between the distribution of a series of sample prices (observed scores) with a theoretical distribution. The normality rule used is if  $p > 0.05$  then the distribution is said to be normal and vice versa if  $p < 0.05$  then the distribution is declared abnormal.

### Linearity Test

The linearity test is to find out whether the peer social support variables have a linear relationship with the stress variable in completing the thesis on students. This linear test uses ANOVA with the help of the SPSS for program computer program windows. The linear test is used to determine whether or not the relationship between the independent variable and the dependent variable is linear, if  $p > 0.05$  then the distribution is declared linear and vice versa if  $p < 0.05$  then the distribution is declared non-linear (Hadi 2004).

After the normality test and linearity test have been carried out, it can test the differentiating power on the item with the product moment analysis technique where the formula is as follows:

$$r_{xy} = \frac{N \sum XY - (\sum X)(\sum Y)}{\sqrt{\{N \sum X^2 - (\sum X)^2\} \{N \sum Y^2 - (\sum Y)^2\}}}$$

Information:

$r_{xy}$  : Coefficient of correlation between variables free X job satisfaction dependent variable Y (employee commitment)

$\sum XY$  : The number of products between the scores of the independent variable and the dependent variable

$\sum X$  : Number of score variable X

$\sum Y$  : Number of score variable Y

$\sum X^2$  : Number of quadrants scores variable X

$\sum Y^2$  : Number of quadrants scores variable Y

N : Amount subject

## IV. Results and Discussion

The job satisfaction scale is based on the aspects of job satisfaction proposed by Paul Spector's (1994). The job satisfaction scale consists of 42 items consisting of 21 favorable statements and 21 unfavorable statements.

**Table 1.** Distribution of Job Satisfaction Scale Items before the Trial

No.	Aspect	Indicator	Item Number		
			Favorite	Unfavorable	Total
1.	Salary	Suitability salary and workload	12,15,27	8,20,37	6
2.	Promotion	Existence promotion opportunity	18,23,38	9,24,41	6
3.	Supervision	Interaction with supervisor	7,10	17,15	4
4.	Allowance	Facilities provided	1,26,34	16,21,41	6
5.	Appreciation	Award on achievement	11,31	23,4	4
6.	Procedure	Rules	14,39	29,36	4

The employee commitment scale is based on the aspects of employee commitment proposed by Meyer and Allen (1990). Each scale consists of 42 items consisting of 21 items favorable statements and 21 items unfavorable statements. An explanation of the distribution of the scale distribution can be seen in the table below.

**Table 2.** Distribution of Employee Commitment Scale Items before the Trial

No.	Aspect	Indicator	Item Number		
			Favorite	Unfavorable	Total
1.	Affective commitment	Emotional attachment to organization	9,11,22,23	4,19,26,30	8
		Spending time in the organization	12.31	8.41	4
		Feel Becomes Family big in organization	27.38	10.42	4
2.	Commitment sustainable	Feeling no comfortable when leaving organization	20,28,29	2,24,39	6
		Not interested in joining other organizations.	17,32,34	6,13,15	6
		Need salary and other benefits within the organization	25,40	3.35	4
3.	Normative commitment	Obligations morale to maintain relationships with the organization	1,7,37	14,16,18	6
		Awareness in themselves to the values that arise in the organization.	5.33	21.36	4
Total			21	21	42

**Table 3.** Distribution of Job Satisfaction Statement Items after the Trial

No.	Aspect	Indicator	Item Number				Amount
			Favorite		Unfavorable		
			Valid	Fall	Valid	Fall	
1.	Salary	Suitability salary and workload	15,19,27	-	8,20,37	-	6
2.	Promotion	Existence promotion opportunity	18.23,38	-	9.24	42	5
3.	Supervision	Interaction with supervisor	10	7	17	25	2
4.	Allowance	Facilities provided	26.34	1	16.41	21	4
5.	Appreciation	Award on achievement	11.31	-	4.28	-	4
6.	Procedure Operational	Rules in Company	14.39	-	29.36	-	4
7.	Co-workers	Cooperation.	5.35	-	13.32	-	4
8.	Nature of Work	Suitability on a job that Done.	6.30	-	3.40	-	4
9.	Communication	Internal communication Company.	2.22	-	33	12	3
Total			19	2	17	4	36

Based on table 3, it can be seen that the scale compiled according to the theoretical reference still has shortcomings. For this reason, expertise is needed in compiling measuring instruments in accordance with the rules for compiling measuring instruments. On the job satisfaction scale, the items that fail are in the aspects of promotion, supervision, benefits, and communication. On the favorable item there are 19 items that are declared valid and on the unfavorable item there are 17 items that are declared valid.

Furthermore, based on the results of testing on the employee commitment scale items, which amounted to 42 statements, there were 5 statements that were rejected and 37 statements were valid. Valid statement items have a coefficient of rbt between 0.302 and 0.675. On scale this employee commitment is as wide as the items that fall are found in three aspects, namely: Affective, commitment, continuance commitment, and normative commitment. The favorable items which were declared valid were 18 items and the unfavorable items which were declared valid were 19 items. After the items are analyzed using the ProductMoment Analysis technique, then proceed with the reliability analysis of the employee commitment scale. The following table is the distribution of employee commitment scale items after being tested.

**Table 4.** Distribution Distribution of Items of Employee Commitment Scale Statement after Trials

No.	Aspect	Indicator	Item Number				Total
			Favorite		Unfavorable		
			Valid	Fall	Valid	Fall	
1.	Affective commitment	Attachment emotional on organization	9,11,2 2.23	-	19.30, 26	4	7
		Spend time in organization	31	12	8.41	-	3
		Feel Becomes extended family in organization	27.38	-	10.42	-	4
2.	Commitment continuous	Feeling no comfortable when Leave organization	20.28, 29	-	2,24,3 9	-	6
		Not interested to follow other organizations	17.32	34	6,13,1 5	-	5
		Need salary and advantage profit other in organization	25,40	-	3.35	-	4
3.	Normative commitment	Moral obligation to maintain relationship with organization	1,7,37	-	14,16, 18	-	6
		Self-awareness to the values that arise in organization.	5	33	36	21	2
TOTAL			18	3	19	2	37

Technique testing the reliability of valid items using the CronbachAlpha formula for the job satisfaction scale was obtained at 0.858. This means that the compiled scale is said to be reliable, that is, it can be relied upon to be used at other times. The following table is the distribution of the distribution of the job satisfaction scale after being tested. Then the reliability of the employee commitment scale using the Cronbach Alpha formula. The reliability index obtained is 0.807. Thus, the employee commitment scale is declared reliable, which can be used at other times to reveal employee commitment.

**Table 5.** Calculation of Reliability

Scale	Cronbach Alpha	Information
Job satisfaction	0.858	Reliable
Organizational Commitment	0.807	Reliable

The distribution normality test was conducted to determine whether the distribution of the research data had spread normally. Normality test was performed using the One Sample Kolmogorov Smirnov Test. As a criterion, if  $P > 0.05$  then the distribution is declared normal. On the other hand, if  $P < 0.05$ , the distribution is declared abnormal (Hadi and Pamardiningsih, 2000). The following table is a summary of the results of the calculation of the distribution normality test.

**Table 6.** Summary of Distribution Normality Test Calculation Results

Variable	Average	KS	SD	Sig	Information
Job Satisfaction	108.53	0.797	2.050	0.549	Normal
Work Commitment	102.28	0.880	3,110	0.421	Normal

Information:

AVERAGE= Average Score  
 KS = Kolmogorov coefficient  
 and Smirnov  
 SD = Standard Deviation  
 Sig = Significance

#### 4.1 Linearity Test

The linearity test is intended to determine the degree of relationship between the independent variables and the dependent variable. This means that job satisfaction is related to high employee commitment and this can visually be explained by looking at linearity, namely increasing or decreasing the value of the Y axis (employee commitment) with increasing or decreasing the value of the X axis (job satisfaction).

Based on the linearity test, it can be seen whether the independent variable and the dependent variable can or cannot be analyzed by correlation. As a criterion, if P is different than 0.05, it is declared to have a linear relationship (Hadi, 2000). The results of the analysis show that the independent variable (job satisfaction) has a linear relationship to the dependent variable (work commitment).

**Table 7.** Summary of Relationship Linearity Test Calculation Results

Correlation	F is different	P is different	Information
XY	2.022	0.000	linear

Information:

X = Satisfaction Work  
 Y = Commitment Employees  
 F difference = Coefficien linearity  
 P difference = Proportion Opportunity Error

#### 4.2 Calculation of Product Moment Correlation Data Analysis

Based on the results of the analysis using the product moment correlation analysis method, it is known that there is a significant positive relationship between job satisfaction and employee commitment, where  $r = 0.424$   $P < 0.05$ . This means that the higher the job satisfaction, the higher the employee commitment and vice versa. The determinant coefficient (2) of the relationship between the independent variable (x) and the variable (y) is  $r^2 = 0.331$ . This shows that there is employee commitment is formed by job satisfaction by 33.1% while the rest is in other factors not examined in this study. The influence of

other factors, namely according to Meyer and Allen (1990), these other factors are cultural factors of openness, personal opportunities for development, organizational direction, work rewards that are appropriate to needs that are not revealed in this study.

**Table 8.** The result of the calculation of the Product Moment Correlation Determinant

Coefficient ( $r^2$ )					
Statistics	Coefficient	Determinant Coefficient	BE%	P	Note
XY	0.424	0.331	33.1%	0.000	significant

Information:

X = Satisfaction Work

Y = Commitment Employees

$r_{xy}$  = Coefficient of Relationship between X and Y

$r^2$  = Coefficient of Determinants X and Y

BE% = Weight of effective contribution of X and Y in percent

Sig = Significance

Calculation Results of Hypothetical Mean and Empirical Mean

### 4.3 Hypothetical Mean

Job satisfaction variable, the number of items used is 26 items formatted with a Likert scale in 4 answer choices, then the hypothetical mean is  $\{(36 \times 1) + (36 \times 4)\} : 2 = 90$  and the hypothetical mean for the employee commitment variable is  $\{(37 \times 1) + (37 \times 4)\} : 2 = 92.5$ .

### 4.4 Empirical Mean

Based on data analysis, it is known that the empirical mean of job satisfaction is with an average value of 108.53 and the average value of job satisfaction is 102.28. In an effort to determine the condition of job satisfaction and employee commitment, it is necessary to compare the empirical mean/average value with the hypothetical mean/average value by taking into account the size of the SD number. The SD number for the job satisfaction variable is 2.050 and employee commitment is 3.110. From the magnitude of the SD number, if the hypothetical mean/average value < the empirical mean/average value, where the difference exceeds 2.050, it is stated that job satisfaction is high and if the hypothetical mean/average value > mean/average the empirical average, where the difference exceeds 2.050, it is stated that job satisfaction is low. If the empirical mean/mean value with the hypothetical mean does not differ more than 2,050, job satisfaction is declared moderate.

Furthermore, for the employee commitment variable from the magnitude of the SD number, if the hypothetical mean/average value < the empirical mean/average value, where the difference exceeds 3.110, it is stated that employee commitment is high and and if the hypothetical mean/average value is > the empirical mean, where the difference exceeds 3.110, it is stated that employee commitment is low. If the empirical mean/average value with the hypothetical mean does not differ more than 3.110, then the employee commitment is stated as moderate.



**Table 9.** Calculation Result of Hypothetical Average Value and Empirical Average Value

Variable	SD	Average value		Information
		Hypothetical	Empirical	
Job satisfaction	2.050	90	108.53	High
Work Commitment	3,110	92.5	102.28	High

Based on the comparison of the two average values above (hypothetical mean and empirical mean), it can be stated that job satisfaction and employee commitment are stated to be high.

Based on the results of this study, it is known that there is a significant relationship between job satisfaction and work commitment. This result is known from  $r_{xy} = 0.424$  with  $P < 0.05$ . Based on the results of statistical testing obtained  $P = 0.000$  which means that the hypothesis proposed in the study there is a relationship between job satisfaction and employee commitment, the higher the job satisfaction, the higher the employee satisfaction, is declared accepted.

From this study, it is known that the variable job satisfaction provides an effective contribution to employee commitment by 33.1%. This means that there are still 66.9% influence from other factors, namely according to Stum (in Sopiah, 2008), these other factors are cultural factors of openness, personal opportunities to develop, organizational direction, work rewards that are as needed which are not revealed in this study .

The results of this study are in line with those conveyed by Lumley, et al (2011) who said that one aspect of job satisfaction that has a major influence on employee commitment is promotion. This explains that a promotion opportunity given to employees will create employees who have personal responsibility and have increased competence. This means that when job satisfaction through aspects of

Promotion will be able to influence behavior change to employees who are serious about work. Spector (1994), characterizing employees who have job satisfaction is working more diligently to show the best so that they get the things they want such as promotions, salaries, awards, benefits and others. Then of course, from the satisfaction achieved by employees, the fulfillment of their needs and desires will result in the commitment of employees they feel.

Likewise in the results of this study which states that job satisfaction provides an effective contribution of 33.1% in influencing employee commitment. In accordance with the results of research observations in the field, that employees of PT. Barumun Agro Sentosa has job satisfaction as evidenced by the presence of employees who have worked for up to 10 years.

The results of this study further stated that employees descriptively stated that the job satisfaction obtained was high, which was 90 less than the empirical average value of 108.53 and the difference was higher than SD. In this case, the employee commitment that is formed also tends to be good and leads to job satisfaction. This is based on the calculation that the hypothetical average value is 92.5, which is greater than the empirical average, which is 102.28 and the difference exceeds SD.

The researcher admits that the drawback of this study is that the sample collected is difficult. However, the phenomenon encountered by the researcher is an event that actually occurs in the field and the sample is related to employee commitment. From the discussion that has been described, the proposed hypothesis is answered, and namely job satisfaction has a significant and mutually influencing relationship with employee commitment.

## V. Conclusion

Based on the results and discussions that have been made, it can be concluded as follows:

- a. There is a significant positive relationship between job satisfaction and employee commitment. This result is evidenced by the rxy correlation coefficient of 0.424 with  $P = 0.000 < 0.050$ . This means that the more job satisfaction, the higher the employee's commitment. Based on these results, it means that the proposed hypothesis which reads that there is a relationship between job satisfaction and employee commitment is accepted.
- b. The effective contribution of the job satisfaction variable to employee commitment is 33.1%. Based on this research, it can be seen that there is still 66.9% of the influence of other factors on employee commitment which is not disclosed in this study.
- c. In general, the results of research on workers have high employee commitment and job satisfaction which is also classified as high. This can be seen from the results of the SD of 3.110, the empirical mean of employee commitment of 102.28, and the empirical mean of 62.5. Furthermore, the result of SD job satisfaction is 2.050, the empirical mean is 108.53 and the hypothetical mean is 90.

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# The Effect of Archives Infrastructure and Competency of Archives Officers on the Effectiveness of Work in the Development of Marga and Construction Development of North Sumatra Province

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## Abstract

*The aims of this study to find out the effect of archives infrastructure and competency of archives officers on the effectiveness of work in the development of marga and construction development of North Sumatra Province. The type of research used in this study is a causal relationship research with a quantitative approach. The quantitative approach is a systematic scientific study of the parts and phenomena and their relationships. The result shows that the relationship between the arrangement of archives, infrastructure and the competence of archiving officers on the effectiveness of work in the Department of Highways and Construction of North Sumatra Province that the R Square value obtained is 0.218 or 21.8%. This shows the ability of the Archives Arrangement variable (X1), Infrastructure (X2) and Archive Officer Competence (X3) simultaneously or together to affect Work Effectiveness by 21.8%.*

## Keywords

archives infratucture;  
effectiveness of work;  
develovement of marga



## I. Introduction

Archives can be deduced from the term language and some of the meanings above that the archive acts as a memory center or source of information and as a monitoring tool that is needed by every organization in the context of activities. Archives are very helpful for organizations in carrying out activities such as planning, analyzing, developing, formulating, policy, decision making, reporting, accountability, assessment, and control as precisely as possible.

Archiving is one type of office work or administrative work that is mostly carried out by government agencies, as well as private entities. Archiving involves work related to the storage of archives or letters, and other office documents. (Sugiarto and Wahyono, 2015; 2) said that: "Archives are the basis for maintaining letters: they contain the process of compiling and storing documents in such a way that letters/files can be recovered when needed. The most important properties that must be owned by an archival system are trustworthiness and accessibility, apart from other properties such as tidiness, cleanliness and others.

The explanation above can mean that the archive is a process starting from the creation, receipt, collection, arrangement, control, maintenance and care and storage of documents according to a certain system which when needed can be found quickly and precisely found. Listening to archives plays an important role for the smooth running of the organization, namely as a source of information and as a memory center. Archives are an important component in life, from past lives we see a series of history contained in archives. Likewise with modern life today archives remain an important component considering that life cannot be separated from the presence of archives. The importance of

archives, among others, is authentic evidence concerning the status, rights, ownership and role of an institution. The various important meanings of the archives mentioned above, the authors are interested in studying more deeply about the arrangement of archives, infrastructure and the competence of archive officers on the effectiveness of the work carried out, especially Administration (General Subdivision / Administration) which has the authority to handle mail archives,

It's just that handling archives is often not given much attention and becomes an unattractive job in the office. In fact, the function is very important for the smooth running of activities, among others, can be used as a reference source if certain information is needed, or can be used as evidence in accordance with legal provisions. In addition, archives can also provide data or information needed by leaders as material in carrying out their leadership functions, namely in terms of planning, organizing, moving, and supervising.

An organization in treating archives has different ways according to the needs of the organization but in accordance with the times, the handling of records is also developed according to the needs of the organization or agency. The implementation of archive handling is inseparable from the HR factor. This is because the human factor is the subject or driving factor that plays an important role in determining the success or failure of the implementation of archive handling. Although supported by facilities and infrastructure as well as a fairly good system, if human resources do not have the ability or do not know the field of archives, the implementation of archive handling will not run smoothly. Therefore, to carry out their duties, employees who work in the archives unit are not only supported by the willingness to work. But also must be equipped with special skills in the field of archives, needed in an archive management unit.

According to Sedarmayanti (2015; 93) states that the archive arrangement system or archive system (Dutch language) or also known as the filling system (English) is an activity of organizing and compiling archives in a systematic and logical order, storing and maintaining archives for use safely and economically. The function of infrastructure basically has the aim of creating comfort, creating satisfaction, accelerating the work process, facilitating the work process, increasing productivity. Meanwhile, the benefits of infrastructure facilities are providing data and information in order to facilitate the supervision and control of archiving, preparing data and information in order to determine and plan needs, and so on.

## **II. Review of Literature**

### **2.1 Archive**

In Law Number 43 of 2009 concerning archives it is stated that "Archives are recordings of activities or events in various forms and media in accordance with the development of information and communication technology made and accepted by State institutions, regional government institutions, educational institutions, companies, political organizations, community organizations, and individuals in the implementation of social, national and state life.

In the Regulation of the Head of the National Archives of the Republic of Indonesia Number 7 of 2017 concerning the National Movement for Awareness of the Order of Archives. Archives are recordings of activities or events in various forms or media according to the development of information and communication technology made and accepted by state institutions, regional government administrators, community organizations, educational institutions, companies and individuals in the implementation of

social, national and state life. Archives can be deduced from the term language and some of the meanings above that the archive acts as a memory center or source of information and as a monitoring tool that is needed by every organization in the context of activities

## **2.2 Archive Storage System**

An archive storage system is a system used for document storage in order to facilitate the work of storing and facilitating the retrieval of documents whenever needed. Every organization that has archives or documents will definitely store the archives/documents in a storage system that has been agreed upon by the organization in advance. Basically, company leaders also want archives/documents that are stored neatly and well organized to make it easier to store and find archives. Therefore, to make it easier to manage archives, accuracy and skills are needed to process archive storage. In selecting an archive storage system, several criteria are needed, an archive storage system can be said to be good if it meets the following criteria:

1. Easy to implement.
2. Save equipment, time and money.
3. Simple.
4. Flexible.
5. In accordance with the main functions and duties of the organization.

The storage system in principle is to store based on words - catch (captions of stored scripts in the form of letters and numbers arranged in alphabetical and numerical order.

## **2.3 Work Effectiveness**

Effectiveness comes from the word "Effect" which means a causal relationship, effectiveness can be seen as a cause of other variables. Effectiveness means that the previously planned goals can be achieved or in other words, the goals are achieved because of the process. According to James L Gibson (Pasolong, 2013; 4) effectiveness is the achievement of the goals of a joint effort. Meanwhile, according to Ravianto (2014: 11) effectiveness is how well the work is done, the extent to which people produce outputs as expected. This means that if a job can be completed in accordance with the plan, both in time, cost, and quality, it can be said to be effective. Effectiveness is a measure of the success or failure of achieving the goals of an agency or organization (Mardiasmo, 2017;134). Meanwhile, according to Dwiyanti, Agus (2012; 50) Performance effectiveness is a measure of the agency or organization to achieve a more optimal work process in completing its main tasks. According to the Big Indonesian Dictionary (KBBI) Effectiveness is usability, activity, and the existence of conformity in an activity between someone who carries out a task with the goal to be achieved.

Effectiveness is a successful work to achieve predetermined goals, because the word "effective" is a state of success in achieving targets or goals that are really useful. While (Handyaningrat 2002) provides an explanation that effectiveness is a measurement in the sense of achieving the predetermined targets or goals. Clearly, if the target or goal has been achieved as it is planned before, it is called effective. In its principle, the definition of effectiveness is an assessment of whether an activity/a system is achieved or not. (Sugandha in Kuswati, 2019)

It can be concluded that in general what is meant by work effectiveness is a measure and ability to carry out the functions, tasks, programs or missions of an agency or organization in accordance with the right target based on the goals that have been set or planned.



### III. Research Methods

The type of research used in this study is a causal relationship research with a quantitative approach. The quantitative approach is a systematic scientific study of the parts and phenomena and their relationships.

This research was conducted at the Office of the Highways and Construction Services of North Sumatra Province, which is located at Jl. Sakti Lubis No.7 R, Sitirejo II Kec. Medan Amplas, Medan City, North Sumatra 20217. The reasons the researchers chose the location are:

- a. Researchers know the research locations
- b. The research location is close to the researcher's residence
- c. Researchers are familiar with certain informants, so they can easily get the data needed.

**Table 1.** Total Population employees of the Office of Highways and Provincial Construction Development North Sumatra

Part	Number of Employees
Secretariat	51
Development Sector	22
Maintenance Field	24
Planning and Evaluation Bidang	30
Construction Development Sector	28
Amount	155

*Source: Department of Highways and Construction of North Sumatra Province*

The steps taken in the use of this analysis are:

- a. Create an answer distribution table table
- b. Summing up the score of respondents' answers with the provisions of a predetermined score.
- c. Summing up the answer scores obtained from each respondent.
- d. Enter the answer score.
- e. The results obtained were consulted with the category table
- f. Conclusion by category.

$$\% = \frac{n}{N} \times 100 \%$$

Information:

Mn : Total score obtained

N : Total ideal score (number of respondents x number of statements x highest score)

% : Success rate achieved

Multicollinearity means that between the variables contained in the regression model, there is a perfect relationship. One way to identify it is by correlating between variables and if the correlation is significant, then multicollinearity occurs between the independent variables. Detection of multicollinearity can also be used with VIF (Variant Inflation Factor) values, if the VIF value is below 10 and the tolerance value is above 0.1, it means that the data is free of multicollinearity (Ghozali, 2007: 91). Multiple regression analysis was used to determine the magnitude of the relationship between the variables of archive arrangement, infrastructure and officer competence (with the variable of employee work effectiveness either partially or simultaneously. The stages of multiple regression analysis are as follows:

$$Y = a + b_1x_1 + b_2x_2 + b_3x_3$$

Information :

Y : Work Effectiveness

a : Regression Coefficient (constant)

b1: Regression coefficient for archive structuring

b2: Regression coefficient for infrastructure

b3: Regression coefficient for archivist competence

x1: Archive setup

x2: Infrastructure

x3: Competency of archivists

The t test is used to test the regression coefficient partially or separately from other independent variables.

- a. If the significance value  $t < (0.05)$  or the significant t coefficient at the level  $< 5\%$ , then  $H_0$  is rejected and  $H_a$  is accepted, which means that the arrangement of archives, infrastructure and officer competencies affects the effectiveness of the employee's work.
- b. If the significance value of  $t > (0.05)$  or the significance t coefficient at the level  $> 5\%$ , then  $H_0$  is accepted and  $H_a$  is rejected, which means that the arrangement of archives, infrastructure and officer competencies does not affect the effectiveness of the employee's work.

The decision to determine whether the independent variable has a significant effect on the dependent variable is as follows:

- a. If F is significant at  $<5\%$  level, then  $H_0$  is rejected and  $H_a$  is accepted, meaning that simultaneously the arrangement of archives, infrastructure and competence of officers affects the effectiveness of employees' work.
- b. If F is significant at the level  $> 5\%$ , then  $H_0$  is accepted and  $H_a$  is rejected, meaning that the arrangement of archives, infrastructure and competence of officers does not affect the effectiveness of employees' work.

The coefficient of simultaneous determination ( $R^2$ ) is used to determine the magnitude of the influence of archive arrangement and archive officer competence on service quality from the research results. If the  $R^2$  obtained is close to 1, it can be said that the stronger the model in explaining the variation of the independent variable to the dependent variable, on the other hand if  $R^2$  is close to zero, the weaker the variation of the independent variable explains the dependent variable.

The coefficient of partial determination ( $r^2$ ) is used to determine the extent of the contribution of each independent variable, if the other variables are constant to the dependent variable, the greater the variation in their contribution to the dependent variable. To help the data processing process accurately and quickly, the data processing can be done using the SPSS program.

## IV. Results and Discussion

**Table 2.** Results of Testing the Validity of Archives Arrangement Variables

Variable	Question Items	r-count	r-table	Sig	Criteria
Archive Setup	1	0.414	0.361	0.008	Valid
	2	0.648	0.361	0.000	Valid
	3	0.493	0.361	0.001	Valid
	4	0.820	0.361	0.000	Valid
	5	0.683	0.361	0.000	Valid
	6	0.806	0.361	0.000	Valid
	7	0.574	0.361	0.000	Valid

8	0.477	0.361	0.002	Valid
9	0.384	0.361	0.014	Valid
10	0.429	0.361	0.006	Valid

*Source: Research Results 2021 (Processed with SPSS 25)*

The results of the calculations in table 2s show that the question instrument of the Archive Arrangement variable has an r-count value greater than 0.361, an instrument is said to be valid if  $r\text{-count} > r\text{-table}$ . Thus, it can be concluded that all the question instruments from the Archive Arrangement variable used are valid and can be used in research. This conclusion is reinforced by the significance value (2-tailed) for all instruments which is smaller than the value of 5% or equal to 0.05.

**Table 3.** Results of the Validity Testing of Infrastructure Variables

Variable	Question Items	r-count	r-table	Sig	Criteria
Infrastructure	1	0.582	0.361	0.000	Valid
	2	0.379	0.361	0.016	Valid
	3	0.473	0.361	0.002	Valid
	4	0.629	0.361	0.000	Valid
	5	0.469	0.361	0.002	Valid
	6	0.765	0.361	0.000	Valid
	7	0.605	0.361	0.000	Valid
	8	0.456	0.361	0.003	Valid
	9	0.537	0.361	0.000	Valid
	10	0.435	0.361	0.005	Valid

*Source: Research Results 2021 (Processed with SPSS 25)*

The results of the calculations in table 3 show that the question instrument of the Sarana Prasarana variable has an r-count value greater than 0.361, an instrument is said to be valid if  $r\text{-count} > r\text{-table}$ . Thus, it can be concluded that all the question instruments from the Infrastructure variables used are valid and can be used in research. This conclusion is reinforced by the significance value (2-tailed) for all instruments which is smaller than the value of 5% or equal to 0.05.

**Table 4.** Results of Testing the Validity of Work Effectiveness Variables

Variable	Question Items	r-count	r-table	Sig	Criteria
Work Effectiveness	1	0.616	0.361	0.000	Valid
	2	0.678	0.361	0.000	Valid
	3	0.456	0.361	0.003	Valid
	4	0.472	0.361	0.002	Valid
	5	0.434	0.361	0.005	Valid
	6	0.367	0.361	0.020	Valid
	7	0.613	0.361	0.000	Valid
	8	0.600	0.361	0.000	Valid
	9	0.806	0.361	0.000	Valid
	10	0.538	0.361	0.000	Valid

*Source: Research Results 2021 (Processed with SPSS 25)*

The results of the calculations in the table show that the question instrument of the Work Effectiveness variable has an r-count value greater than 0.361, an instrument is said to be valid if  $r\text{-count} > r\text{-table}$ . Thus, it can be concluded that all question instruments from the Work Effectiveness variable used are valid and can be used in research. This conclusion is reinforced by the significance value (2-tailed) for all instruments which is smaller than the value of 5% or equal to 0.05.

Reliability test is a measure of the consistency and stability of a score (Measurement Scale). Reliability test is carried out by testing questions that have been declared valid in the Validity Test whose reliability will be determined with the help of the SPSS 25 for Windows program. Variables are declared reliable with the following criteria:

**Table 5.** Reliability Test Results

Variable	<i>Cronbach's Alpha</i>	<i>r-table</i>	Information
Archive Setup	0.789	0.60	Reliable
Infrastructure	0.728	0.60	Reliable
Archival Officer Competence	0.687	0.60	Reliable
Work Effectiveness	0.730	0.60	Reliable

*Source: Research Results 2021 (Processed with SPSS 25)*

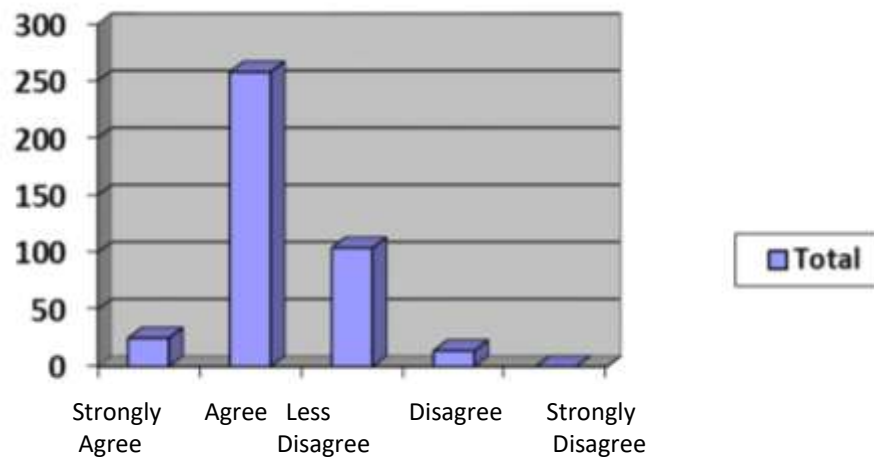
From table 5 above, it can be seen that the value of  $r\text{ alpha} > r\text{ table}$  (0.60), thus all statement items are declared reliable.

**Table 6.** Respondents' Answers Per Question Item Archive Setup Variables

NO	Question	Respondent's Answer Scale										SCORE
		5	%	4	%	3	%	2	%	1	%	
1	Q1	1	2.5	28	70	11	27.5	0	0	0	0	<b>75.0%</b>
2	Q2	3	7.5	25	62.5	11	27.5	1	2.5	0	0	<b>75.0%</b>
3	Q3	1	2.5	36	90	3	7.5	0	0	0	0	<b>79.0%</b>
4	Q4	1	2.5	16	40	18	45	5	12.5	0	0	<b>66.5%</b>
5	Q5	1	2.5	20	50	16	40	3	7.5	0	0	<b>69.5%</b>
6	Q6	2	5	16	40	17	42.5	5	12.5	0	0	<b>67.5%</b>
7	Q7	5	12.5	29	72.5	6	15	0	0	0	0	<b>79.5%</b>
8	Q8	1	2.5	26	65	13	32.5	0	0	0	0	<b>74.0%</b>
9	Q9	6	15	31	77.5	3	7.5	0	0	0	0	<b>81.5%</b>
10	Q10	3	7.5	31	77.5	6	15	0	0	0	0	<b>78.5%</b>

**Table 7.** Overall Frequency Recapitulation of Answer Items in Archive Arrangement Variables

SCORE	INFO	Frequency (F)	SXF
5	Strongly agree	25	120
4	Agree	258	1032
3	Less Disagree	104	312
2	Disagree	14	28
1	Strongly Disagree	0	0
TOTAL		400	1492



**Figure 1.** Archive Setup Variables

The percentage result is the result of:

$$\frac{\sum S x F}{\sum Skor Mak} \times 100\%$$

So it can be seen that with the highest score of 5 where people who strongly agree as much as 6%, score 4 where people who agree as much as 51.6%, score 3 where people who express less agree as much as 15.6%, score 2 where people who stated disagree as much as 1.4%, a score of 1 where people who stated strongly disagree as much as 0%. And from the results of the calculations above, it can be seen that 51.6% of respondents answered "Agree" that a good archive arrangement can provide convenience in filing and filing service administration.

The conclusion from the above calculation: the results of the questionnaire about the Archive Arrangement variable, namely 0.746 are in the interval 0.60 - 0.799 with a "High" level of relationship. Which means that a good archive arrangement can provide convenience in filing and filing service administration with a "High" level of relationship. The following is an explanation of the respondents' answers regarding the Infrastructure variable which can be seen in table 8 below:

**Table 8.** Respondents' Answers per Question Item Variable Facilities

NO	Question	Respondent's Answer Scale										SCORE
		5	%	4	%	3	%	2	%	1	%	
1	Q11	0	0	24	60	13	32.5	3	7.5	0	0	<b>70.5%</b>
2	Q12	0	0	33	82.5	7	17.5	0	0	0	0	<b>76.5%</b>
3	Q13	0	0	35	87.5	3	7.5	2	5	0	0	<b>76.5%</b>
4	Q14	1	2.5	26	65	11	27.5	2	5	0	0	<b>73.0%</b>
5	Q15	1	2.5	26	65	12	30	1	2.5	0	0	<b>73.5%</b>
6	Q16	1	2.5	24	60	13	32.5	2	5	0	0	<b>72.0%</b>
7	Q17	5	12.5	26	65	9	22.5	0	0	0	0	<b>78.0%</b>
8	Q18	0	0	31	77.5	9	22.5	0	0	0	0	<b>75.5%</b>
9	Q19	1	2.5	33	82.5	6	15	0	0	0	0	<b>77.5%</b>
10	Q20	1	2.5	35	87.5	4	10	0	0	0	0	<b>78.5%</b>

Based on the questionnaire distribution of the Sarana Prasarana variable, 40 respondents gave their answers and then processed using the percentage formula  $P = F/N \times 100\%$ . Below is the presentation of the recapitulation of the overall data for the variable frequency of Infrastructure in table 9 as follows:

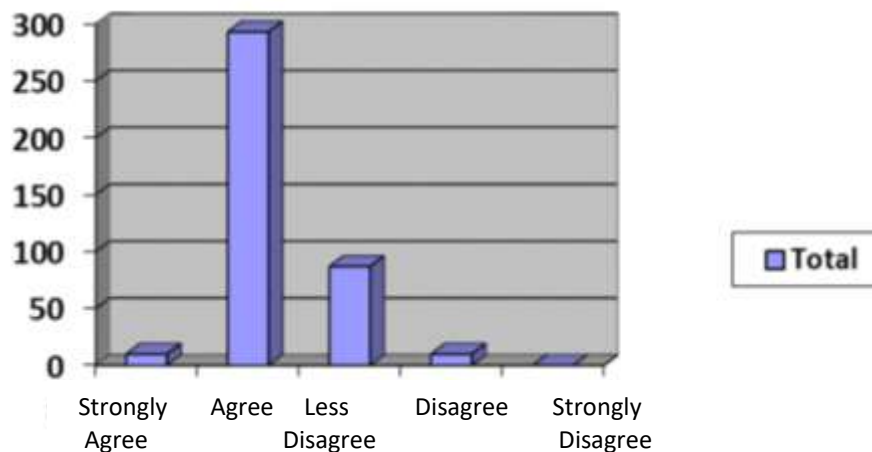
**Table. 9** Overall Recapitulation of Frequency on Answer Items for Infrastructure Variables

SCORE	INFO	Frequency (F)	SXF
5	Strongly agree	10	50
4	Agree	293	1172
3	Less Disagree	87	261
2	Disagree	10	20
1	Strongly Disagree	0	0
TOTAL		400	1503

From the results of research conducted on 40 respondents, obtained a score of 1503 if the percentage:

$$\% = \frac{1503}{2000} \times 100 = 75.2\% = 0.752$$

Then it is obtained 0.752, if it is interpreted as being in the interval category of 0.60 - 0.799, which means that the available infrastructure with technological support will assist in the process of work efficiency with a "High" level of relationship.



**Figure. 2.** Infrastructure Variables

The percentage result is the result of:

$$\frac{\sum S X F}{\sum Skor Mak} \times 100\%$$

So it can be seen that the highest score is 5 where people who state strongly agree as much as 2.5%, score 4 where people who agree are 58.6%, score 3 where people who express less agree are 13.05%, score 2 where people who disagreed as much as 1%, a score of 1 where people who stated strongly disagreed as much as 0%. From the calculation results, it can be seen that 58.6% of respondents answered "Agree" that the available infrastructure will help in the process of work efficiency.

The conclusion from the above calculation: the results of the questionnaire about the Sarana Prasarana variable that is equal to 0.752 are in the interval 0.60 - 0.799 with a "High" relationship level. Which means that the available infrastructure will help in the process of work efficiency with a "High" level of relationship.

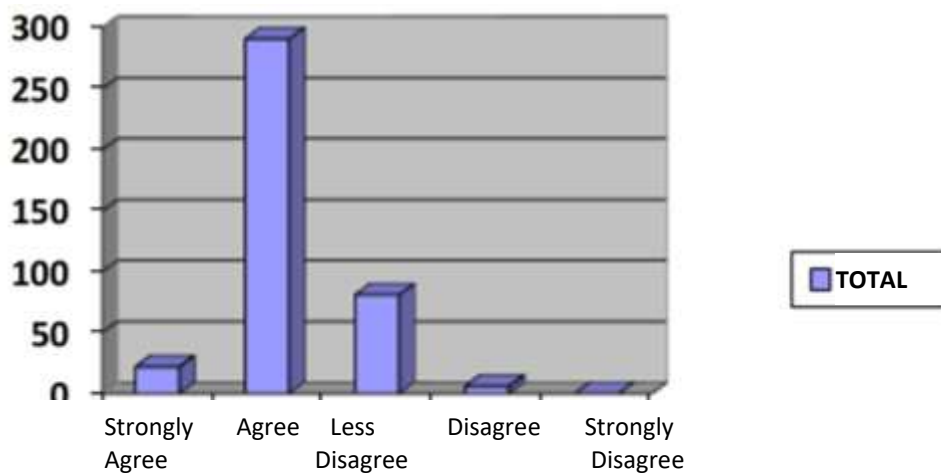


**Table 10.** Respondents' Answers Per Item Variable Competency of Archives

NO	Question	Respondent's Answer Scale										SCORE
		5	%	4	%	3	%	2	%	1	%	
1	Q21	2	5	29	72.5	9	22.5	0	0	0	0	<b>76.5%</b>
2	Q22	0	0	28	70	12	30	0	0	0	0	<b>74.0%</b>
3	Q23	0	0	33	82.5	7	17.5	0	0	0	0	<b>76.5%</b>
4	Q24	6	15	24	60	8	20	2	5	0	0	<b>77.0%</b>
5	Q25	5	12.5	24	60	9	22.5	2	5	0	0	<b>76.0%</b>
6	Q26	3	7.5	30	75	6	15	1	2.5	0	0	<b>77.5%</b>
7	Q27	3	7.5	28	70	9	22.5	0	0	0	0	<b>77.0%</b>
8	Q28	1	2.5	29	72.5	10	25	0	0	0	0	<b>75.5%</b>
9	Q29	1	2.5	34	85	5	12.5	0	0	0	0	<b>78.0%</b>
10	Q30	1	2.5	32	80	6	15	1	2.5	0	0	<b>76.5%</b>

**Table. 11** Overall Recapitulation of Frequency on Answer Items for Archive Officer Competency Variables

SCORE	INFO	Frequency (F)	SXF
5	Strongly agree	22	110
4	Agree	291	1164
3	Less Disagree	81	243
2	Disagree	6	12
1	Strongly Disagree	0	0
TOTAL		400	1529

**Figure 3.** Archive Officer Competency Variables

The percentage result is the result of:

$$\frac{\sum SXF}{\sum Skor\ Mak} \times 100\%$$

So it can be seen that with the highest score of 5 where people who strongly agree as much as 5.5%, a score of 4 where people who agree as much as 58.2%, a score of 3 where people who express less agree as much as 12.5%, a score of 2 where people who disagree as much as 0.6%, a score of 1 where people who state strongly disagree as much as 0%. And from the results of the calculation above, it can be seen that 58.2% of respondents

answered "Agree" that the Competence of a competent Archive Officer with a linear educational background can create good archiving

The conclusion from the above calculation: the results of the questionnaire about the Archive Officer Competency variable, which is 0.765, is in the interval 0.60 - 0.799 with a "High" level of relationship. Which means that the Competency of a competent Archive Officer with a linear educational background can create a good archive with a "High" level of relationship.

**Table 12.** Respondents' Answers per Question Items Work Effectiveness Variables

NO	Question	Respondent's Answer Scale										SCORE
		5	%	4	%	3	%	2	%	1	%	
1	Q31	2	5	17	42.5	19	47.5	2	5	0	0	<b>69.5%</b>
2	Q32	0	0	33	82.5	7	17.5	0	0	0	0	<b>76.5%</b>
3	Q33	0	0	29	72.5	9	22.5	2	5	0	0	<b>73.5%</b>
4	Q34	3	7.5	23	57.5	13	32.5	1	2.5	0	0	<b>74.0%</b>
5	Q35	3	7.5	17	42.5	18	45	2	5	0	0	<b>70.5%</b>
6	Q36	5	12.5	29	72.5	6	15	0	0	0	0	<b>79.5%</b>
7	Q37	4	10	25	62.5	10	25	1	2.5	0	0	<b>76.0%</b>
8	Q38	2	5	30	75	8	20	0	0	0	0	<b>77.0%</b>
9	Q39	1	2.5	33	82.5	5	12.5	1	2.5	0	0	<b>77.0%</b>
10	Q40	1	2.5	32	80	6	15	1	2.5	0	0	<b>76.5%</b>

**Table. 13** Overall Frequency Recapitulation of Answer Items for Work Effectiveness Variables

SCORE	INFO	Frequency (F)	SXF
5	Strongly agree	21	105
4	Agree	268	1072
3	Less Disagree	101	303
2	Disagree	10	20
1	Strongly Disagree	0	0
TOTAL		400	1500

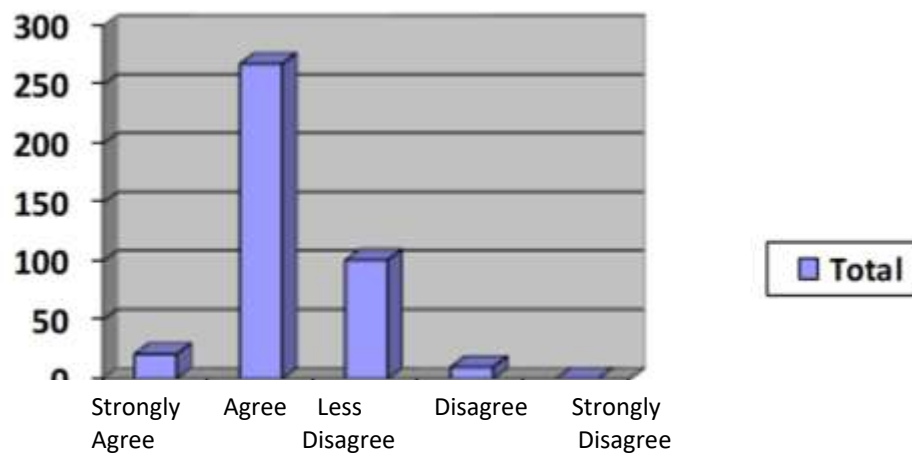
In table 13 we can see the total score for the Work Effectiveness variable is 1500 and the categorization is based on the ideal range of values:

- Total Maximum Score: Highest Score times Number of Questions times Number of Respondents,  $5 \times 10 \times 40 = 2000$
- Total Minimum Score: Lowest Score times Number of Questions times Number of Respondents,  $1 \times 10 \times 40 = 400$
- Score Range: (Maximum Score – Minimum Score) : 5,  $(2000 - 400) : 5 = 320$

From the results of research conducted on 40 respondents, obtained a score of 1500 if the percentage:

$$\% = \frac{1500}{2000} \times 100 = 75.0\% = 0.750$$

Then 0.750 is obtained, if it is interpreted as being in the 0.60 - 0.799 interval category, which means that Work Effectiveness can be created if there is a good Archive Arrangement, the availability of Infrastructure and Competency of Archives Officers with a "High" level of relationship.



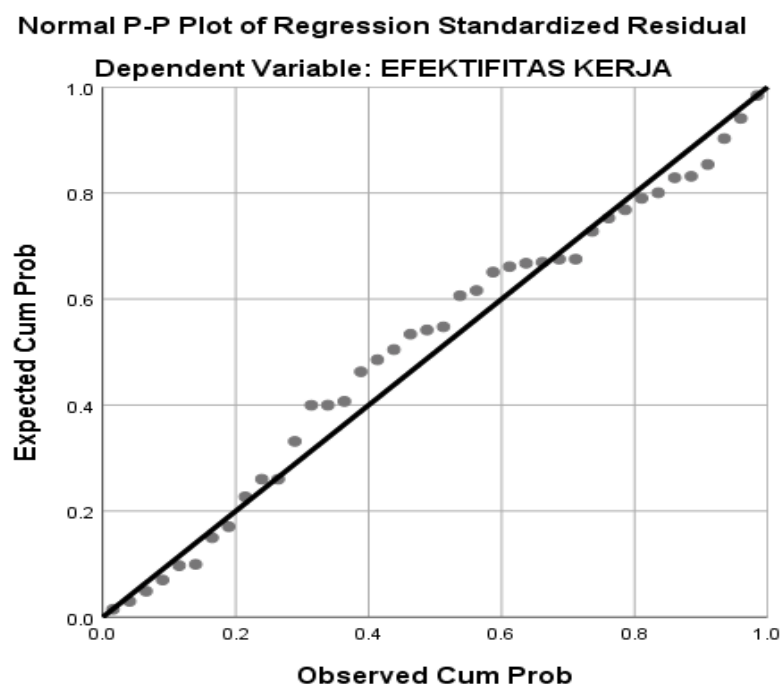
**Figure 4.** Work Effectiveness Variable

The percentage result is the result of:

$$\frac{\sum S \times F}{\sum Skor \text{ Mak}} \times 100\%$$

The conclusion of the above calculation: the results of the questionnaire on the Work Effectiveness variable, which is 0.750, are in the interval 0.60 - 0.799 with a "High" level of relationship. Which means that Work Effectiveness can be created if there is a good Archive Arrangement, the availability of Infrastructure and Competency of Archives Officers with a "High" level of relationship.

Normality test is used to determine whether the data distribution follows or approaches the normal distribution.



Source: SPSS 25 (2021) Management

**Figure 5.** Normality Graph Approach

Based on the Normality Test with the Graph approach above, it can be seen that the data has a normal distribution or distribution, this can be seen from the spread of points around the diagonal axis of the graph. Multicollinearity test in this study was used to see whether there were symptoms of multicollinearity between the independent variables. In Table 14, the results of the Multicollinearity Test can be seen by looking at Tolerance and VIF.

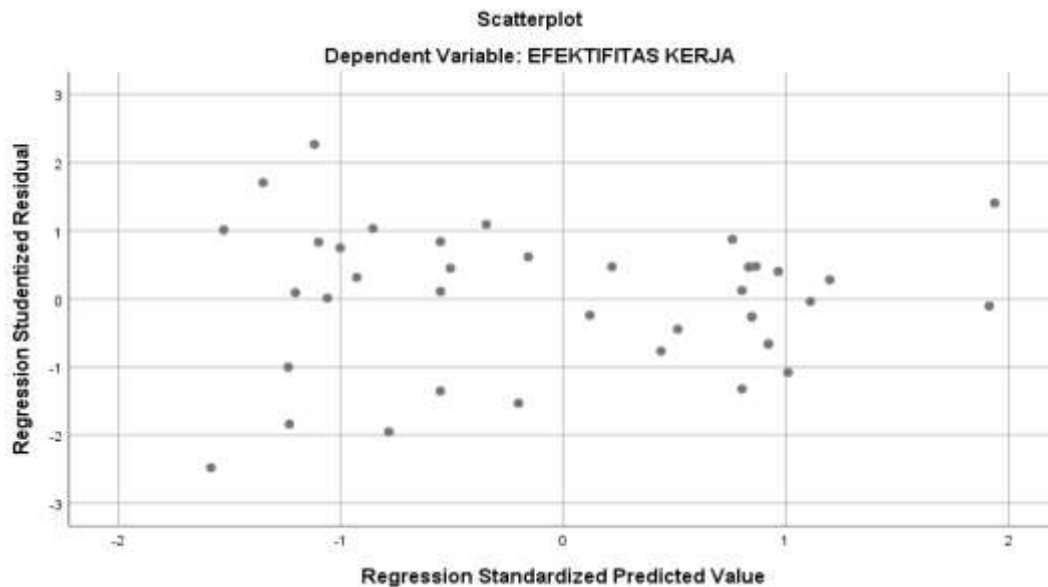
**Table 14.** Multicollinearity Test

Coefficients <sup>a</sup>		Unstandardized Coefficients		Standardized Coefficients	T	Sig.	Collinearity Statistics	
Model		B	Std. Error	Beta			Tolerance	VIF
1	(Constant)	15.131	7,870		1,923	.062		
	ARCHIVES SETUP	.127	.182	.139	.697	.490	.545	1.835
	INFRASTRUCTURE	.063	.196	.057	.321	.750	.681	1.469
	COMPETENCY OF ARCHIVES	.399	.191	.356	2,089	.044	.749	1.335

a. Dependent Variable: WORK EFFECTIVENESS

Source: SPSS 25 Processing (2021)

Heteroscedasticity test is used to see how big the role of the independent variable is to the related variable. To see whether there is heteroscedasticity in the model used, the Heteroscedasticity Test (Scatter Plot) is carried out. The following are the results of the Scatter Plot Heteroscedasticity Test.



Source: SPSS 25 (2021) Management

**Figure 6.** Scatter Plot Heteroscedasticity Test

Based on the Heteroscedasticity Test above, it is known that the distribution points on *Scatter Plot* does not show a certain pattern and the distribution is above and below zero, so the regression model used does not experience heteroscedasticity. In this study, multiple linear regression analysis was used to determine the relationship and influence of Archive Arrangement Variables (X1), Infrastructure Variables (X2) and Archives Officer Competence Variables (X3) on Work Effectiveness Variables (Y) of the Highways and Construction Services Office of North Sumatra Province. . The results of multiple linear regression calculations can be seen in the following table 15:

**Table 15.** Multiple Linear Regression Analysis Results

Coefficients <sup>a</sup>		Unstandardized Coefficients		Standardized Coefficients	T	Sig.	Collinearity Statistics	
Model		B	Std. Error	Beta			Tolerance	VIF
1	(Constant)	15.131	7,870		1,923	.062		
	ARCHIVES SETUP	.127	.182	.139	.697	.490	.545	1.835
	INFRASTRUCTURE	.063	.196	.057	.321	.750	.681	1.469
	COMPETENCY OF ARCHIVES	.399	.191	.356	2,089	.044	.749	1.335

a. Dependent Variable: WORK EFFECTIVENESS

Source: SPSS 25 Processing (2021)

The results of multiple linear regression analysis table 15 obtained the following equation:

$$Y = 15.131 + 0.127 X_1 + 0.063 X_2 + 0.399 X_3$$

Based on these equations, it can be seen that:

1. The constant of 15.131 which is positive indicates that if all the independent variables are the Archive Arrangement Variable (X1), the Infrastructure Variable (X2) and the Archives Officer Competency Variable (X3) are zero (0), then the Work Effectiveness Variable (Y) is 15.131.
2. The regression coefficient of the Archive Arrangement Variable variable (X1) is positive, indicating a unidirectional relationship of 0.127. This means that the higher the influence of the Archive Arrangement Variable and an increase in one unit, the higher the Work Effectiveness (Y) of the Office of Highways and Construction of North Sumatra Province with an increase of 0.127.
3. The regression coefficient for the Infrastructure (X2) variable is positive, indicating a unidirectional relationship of 0.063. This means that the higher the influence of the Infrastructure Variable (X2) and an increase in one unit, the higher the Work Effectiveness (Y) of the Office of Highways and Construction of North Sumatra Province with an increase of 0.063.
4. The regression coefficient of the Archives Officer Competency Variable (X3) is positive, indicating a unidirectional relationship of 0.399. This means that the higher the influence of the Archive Officer Competency Variable (X3) and an increase in one unit, the higher the Work Effectiveness (Y) of the Office of Highways and Construction of North Sumatra Province with an increase of 0.399.

The results of the partial test (t test) can be seen in the following table 16:

**Table 16.** Partial Test Results (t Test)

Coefficients <sup>a</sup>		Unstandardized Coefficients		Standardized Coefficients	t	Sig.	Collinearity Statistics	
Model		B	Std. Error	Beta			Tolerance	VIF
1	(Constant)	15.131	7,870		1,923	.062		
	ARCHIVES SETUP	.127	.182	.139	.697	.490	.545	1.835
	INFRASTRUCTURE	.063	.196	.057	.321	.750	.681	1.469
	COMPETENCY OF ARCHIVES	.399	.191	.356	2,089	.044	.749	1.335

a. Dependent Variable: WORK EFFECTIVENESS

Source: SPSS 25 Processing (2021)

Simultaneous Test Results (Test F) can be seen in Table 17 below:

**Table 17.** Simultaneous Test Results (Test F)

<b>ANOVAa</b>						
Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	81.478	3	27,159	3.342	.030b
	Residual	292.522	36	8.126		
	Total	374,000	39			

a. Dependent Variable: WORK EFFECTIVENESS

b. Predictors: (Constant), ARCHIVES OFFICERS COMPETENCE, INFRASTRUCTURE, ARCHIVES SETUP

Source: SPSS 25 Processing (2021)

Based on Table 17 above, it can be seen that the calculated F value is 3.342 and the F table value at 5% alpha is 2.86. Thus, the Fcount (3.342) > F table (2.86) with a significance level of 0.030 < 0.05, it means that together or simultaneously the variables of Archive Arrangement (X1), Infrastructure (X2) and Archives Officer Competence (X3) have a positive and significant effect on Work Effectiveness. So, based on the criteria for testing the hypothesis, Ha is accepted and H0 is rejected.

**Table 18.** Simultaneous Coefficient of Determination Test Results (R2)

**Model Summary b**

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	Durbin-Watson
1	.467a	.218	.153	2.85055	.961

a. Predictors: (Constant), ARCHIVES OFFICERS COMPETENCE, INFRASTRUCTURE, ARCHIVES SETUP

b. Dependent Variable: WORK EFFECTIVENESS

Source: SPSS 25 Processing (2021)

From table 18 above that the value of R Square obtained is 0.218 or 21.8%. This shows the ability of the Archives Arrangement variable (X1), Infrastructure (X2) and Archive Officer Competence (X3) simultaneously or together to affect Work Effectiveness by 21.8%. Meanwhile, 78.2% is influenced by other variables.

From the results of the t test Archive Arrangement variable does not have a positive and insignificant effect on Work Effectiveness, this can be seen from the value of t count (0.697) < t table (2.02) with a significance level of 0.0490 > 0.05. Then from the analysis of the percentage description it can be seen that with the highest score of 5 where people who strongly agree are 6%, a score of 4 where people who agree are 51.6%, a score of 3 where people who disagree are 15.6%, score 2 where people who disagree as much as 1.4%, a score of 1 where people who state strongly disagree as much as 0%. And from the results of the calculations above, it can be seen that 51.6% of respondents answered "Agree" that a good archive arrangement can provide convenience in filing and filing service administration.

Based on the results of the simultaneous test, it is known that the calculated F value is 3.342 and the F table value at alpha 5% is 2.86. Thuss, the Fcount value (3.342) > F table (2.86) with a significance level of 0.030 < 0.05, meaning together or simultaneously, the variables of Archive Arrangement (X1), Infrastructure (X2) and Archives Officer



Competence (X3) have a positive and significant effect on Work Effectiveness. So, based on the criteria for testing the hypothesis,  $H_a$  is accepted and  $H_0$  is rejected. The results of the percentage description analysis show that with the highest score of 5 where people who strongly agree are 5.25%, a score of 4 where people who agree are 53.6%, a score of 3 where people who disagree are 15.15%, a score of 2 where people who disagree as much as 1%, a score of 1 where people who strongly disagree as much as 0%. And from the results of the calculation above, it can be seen that 53.6% of respondents answered "Agree" that Work Effectiveness can be created if there is a good archive arrangement, the availability of infrastructure and competence of competent archive officers. Although in the partial test of the archive arrangement variable, infrastructure does not affect work effectiveness, but indirectly these two variables certainly have a role in work effectiveness, then in the partial test the archive officer's competence variable has an influence on work effectiveness. A good archive arrangement and by utilizing ideal infrastructure will form a more organized archival management pattern, minimizing the risk of damage, loss and difficult to find or find.

## V. Conclusion

The effectiveness of work at the Office of Highways and Construction of North Sumatra Province can be influenced by the multiple regression equation  $Y = 15.131 + 0.127 X_1 + 0.063 X_2 + 0.399 X_3$ , meaning that the regression coefficient value is  $b_1 = 0.127$ ,  $b_2 = 0.063$  and  $b_3 = 0.399$  indicates that the archival arrangement (X1), infrastructure (X2) and officer competence (X3) archives are good or increase in one unit, the work effectiveness (Y) will be good or increase as well.

Based on the F test, it is known that the calculated F value is 3.342 and the F table value at 5% alpha is 2.86. Thus, the Fcount value (3.342) > F table (2.86) with a significance level of  $0.030 < 0.05$ , meaning that together or simultaneously the variables of Archive Arrangement (X1), Infrastructure (X2) and Archives Officer Competence (X3) have a positive and significant effect on Work Effectiveness.

The relationship between the arrangement of archives, infrastructure and the competence of archiving officers on the effectiveness of work in the Department of Highways and Construction of North Sumatra Province that the R Square value obtained is 0.218 or 21.8%. This shows the ability of the Archives Arrangement variable (X1), Infrastructure (X2) and Archive Officer Competence (X3) simultaneously or together to affect Work Effectiveness by 21.8%.

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## Human Resources Transformation of PT Pelabuhan Indonesia III (Persero) During the Covid-19 Pandemic

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### Abstract

*The period of the Covid-19 pandemic is one of the causes of large-scale disruption in the world of human resource management. This disruption leads to employees changing their mindset, attitude, behavior, way of life, way of working and how to use the latest technology. This disruption arises because the speed at which the virus spreads is not comparable with the speed at which companies manage the flexibility of their work systems. Therefore, flexibility is needed in formulating work system adjustments, especially for HRDs in responding to Covid-19. Various challenges that have arisen such as changes in work patterns, digitalization of the economy and changes to the supply chain system have created an urgency for HRD to re-skilling and up-skilling all employees. This research uses qualitative methods, namely descriptive analysis. The process of searching and collecting data is carried out using literature study techniques or literature studies (secondary data). This research has the intention that in its preparation through the process of summarizing various scientific articles from across fields in order to provide a comprehensive review of a phenomenon that is happening.*

### Keywords

transformation; human resources; port; pandemic Covid-19



## I. Introduction

COVID-19 is a global health problem including Indonesia. This was initiated from the information of the World Health Organization (WHO) on 31 December 2019 there was a case of a cluster of pneumonia with a new etiology in Wuhan City, Hubei Province, China and later expanded beyond China. On 30 January 2020, COVID-19 was set to become the public health Emergency of International Concern (PHEIC) (Susilawati et al, 2020).

The current COVID-19 pandemic is seen as a challenge, threat, disturbance, and obstacle in realizing national goals. Therefore, during the Covid-19 pandemic, it affected and had an impact on all aspects of the life of the global community, including Indonesia, forcing people to change their mindset, attitude, and behavior in order to be able to enter a new life order (new normal). Human resources who have the ability to think critically, creatively, and have a national perspective will be able to adapt to the very fast changes in that era.

Indonesia has made policy rules for restrictions on traveling into the red zone of transmission during the COVID-19 pandemic with the aim of breaking the chain of transmission of COVID-19. Restrictions for the first time in modern history employees are faced with a condition where they have to work from home every day. Employees are also faced with various disruptions in terms of technology that cannot be predicted in advance, for example due to the spread of telecommuting activities during a pandemic, employees must prepare equipment that is in accordance with standard specifications for holding virtual meetings such as laptops and adequate internet access.

Human resources are the basis and key of all organizational resources. Quality human resources have knowledge, skills, competencies, entrepreneurship and excellent physical and mental health, are talented, have a work ethic and high work motivation that can make an organization different between success and failure. Human resource development is an effort to develop the quality or ability of human resources through the process of planning education, training and management of personnel or employees to achieve an optimal result (Notoatmodjo in sulasmi, 2020). The development of human resources through the cultivation of achievement motivation is one of the contributions in improving the quality of human resources. (Werdhiastutie, A. 2020)

Thus the management and development of human resources is a determinant of success in a company or business unit. This increasingly fierce competition makes business actors must have quality human resources in their companies. Effective management of human resources will be able to achieve organizational goals. Operationally, the organization's goals include societal objectives; organizational objectives; function objectives and personal objectives. A human resources department must have the ability to develop, use, and maintain human resources so that organizational functions can run in a balanced manner.

The thing about human resources, which must be considered by human resource management is to pay attention to the level of employee skills, employee abilities, and management capabilities with their relevance in making human resource strategies. By knowing the level of skills and abilities of employees, the company can determine the direction of its human resource strategy. The three main concepts in human resource strategy include competitive advantage, specific capabilities, and strategic fit. The concept must really be considered so that the strategy chosen or determined by a company can run effectively.

The concept of human resource development is an attempt to improve technical, theoretical, conceptual, and education and training. The types of development are grouped into informal development and formal development: 1) Informal development, namely employees on their own desires and efforts train and develop themselves by studying literature books that have to do with their work or position. Informal development shows that the employee is eager to advance by improving his work ability. 2) Formal development, where employees are assigned by the company to take part in education and training, both those conducted by the company and those carried out by educational and training institutions.

PT Pelabuhan Indonesia (Pelindo) is a company that acts as a State-Owned Enterprise (BUMN) engaged in the transportation sector. PT Pelindo is spread throughout Indonesia and is divided into Pelindo I-IV. PT Pelindo III is a company that plays a role in managing and overseeing 43 (forty three) public ports in 7 (seven) provinces of Indonesia. In accordance with article 3 paragraph 2 of the Company's Articles of Association, the purpose and objective of this company is to conduct business in the field of port service operations and operations, as well as to increase the value of the company by optimizing the utilization of the company's resources to produce high quality and powerful goods and/or services. Strong competitiveness to gain or pursue profit in order to apply the principles of Limited Liability Company.

The method used by the company to improve the quality of human resources at PT Pelabuhan Indonesia III (Persero) is to develop a strategy for developing human resources itself. As an implication of the increasing level of competition, the demand for quality human resources is also increasing. So it is necessary to make efforts to improve the quality of human resources, which can be done, among others, by training and developing human resources.

## II. Research Methods

This study uses a qualitative method, namely descriptive analysis. The process of searching and collecting data is carried out using library research techniques (secondary data), namely by collecting and analyzing various academic writings in the form of archives, scientific articles both online and offline and books explaining opinions, theories, arguments, laws and regulations others related to the subject matter. Meanwhile, the data analysis approach is carried out in a comprehensive and integral way through analysis, namely by covering various perspectives that can be referred to describe the transformation of human resources at PT Pelabuhan Indonesia III (Persero). The technique of testing the validity of the data uses the triangulation method for the validity and reliability of the data.

## III. Results and Discussion

Empowerment of human resources through human resource management is one of the keys to success in running a business in order to survive and growing. Human resources have a very important and dominant role in a management. Human resource management in PT. Pelindo III is an activity to regulate and establish a staffing program which includes issues of making human resource strategies, human resource planning, recruitment and selection of human resources, training and human resource development, compensation, performance evaluation, and employee productivity.

PT. Pelindo III makes a human resource strategy to be able to realize the vision and mission that has been formed jointly by the company. Based on the vision of PT. Pelindo III is to become a "smart world-scale port operator" with the mission of creating sustainable added value to increase stakeholder satisfaction, providing convenience and convenience for users of business services at ports through digitalization with the principles of good corporate governance or Good Corporate Governance (GCG). , create intelligent business solutions through integrity and cooperation with strategic partners, build and expand domestic and international business networks. Then,

The trend of shifting employee skills of PT. Pelindo III (Persero) which rapidly changed along with the emergence of a pandemic such as the emergence of the concept of remote working, economic digitization, and changes in the supply chain. PT. Pelindo III (Persero) seeks to implement:

### 1. Shift at scale and Meaning of Work.

According to Yawson (2020), the activities that can be carried out by HRD in shifting workers for new normal conditions are:

- a. Perform job redesign that focuses on flexibility and speed of work. This process can be done by separating workers who have a high level of susceptibility to the virus with a low level. Workers with a high level of vulnerability are allowed to complete work from home, and workers with a low level of vulnerability are divided into several shifts to remain present in the company.
- b. Re-describe the abilities, main tasks and functions of workers in accordance with changes related to the pandemic
- c. Cooperation with all stakeholders related to the learning process to adjust work patterns to suit the health protocols imposed by the local government. Such cooperation can be done with the local authorities who are authorized to handle occupational health problems such as health clinics. This collaboration can also be in the form of delivering

updates regarding the condition of the spread of the virus so that the company's operational activities can be monitored (McLean & Jiantreerangkoo, 2020).

## **2. Leadership in the New Normal**

Leadership in the new normal is a leadership pattern that is able to calm subordinates not to dissolve in a state of mass panic. Leaders are able to process their emotions to stay calm in making every decision related to saving business and are able to form communication with their subordinates. The workers expect a harmonious and humane communication network from the company leadership (not to mention HRD) related to providing motivation and enthusiasm in facing the pandemic era (Dirani et al., 2020). More specifically, Salanova (2020) in her article stated that to overcome the post-traumatic impact caused by the Covid-19 pandemic, it is hoped that the company's leadership will be able to guarantee three things, including:

- a. Positive psychological resources By strengthening worker resilience through positive psychological interventions, it will make a significant contribution to reducing stress, fostering well-being and improving performance.
- b. Positive Psychological Resources which includes positive emotional conditions, optimism, and flexibility are able to become the most influential resources in the effort to survive during the pandemic.
- c. Positive Social Relations. Leaders through their organizational tools must foster positive relationships among their employees as a strength to help them deal with adverse situations, but also as a means to strengthen their personal and professional development during this pandemic.
- d. Healthy Organizational Practices. During a pandemic like this, leaders are expected to be able to maintain healthy organizational practice practices such as maintaining a balance between work and home (work–family balance practices), enforcing protocols to protect workers from various psychological disorders, ensuring communication patterns remain positive, and leaders able to continue to inspire workers and be able to instill courage during periods of crisis.
  - 1) Contactless Commerce and Education, in supporting a comprehensive digital transformation of the field of transactions and knowledge transfer within the company, HRD must be able to guarantee several components related to the contactless commerce and education process, including ensuring data security, conversation security, data transfer security, security guarantees with financial guarantee institutions if the transaction involves the use of a company account, and guarantee the application site to be free from hackers (Waizenegger et. al., 2020).
  - 2) Corporate VolunteerismHRD plays an important role in maintaining solidarity between workers and companies to jointly face COVID-19. This form of volunteerism can be realized by forming a donation collection team to provide compensation to workers who are struggling to recover from COVID-19. In addition, this activity can also be realized by volunteering to be part of the team for virus prevention starting from the worker health screening team and the emergency response team if there are incidents that arise during the pandemic (Yawson, 2020). In essence, this pandemic is a momentum for mutual concern for fellow workers because this pandemic is a humanitarian disaster that requires cooperation and volunteerism from all parties to be able to resolve it (Dirani et al., 2020).



Management function carried out by the company to manage Human Resources activities during the COVID-19 pandemic are:

1. Planning is the adjustment of activities to determine the objectives of HR management and development activities and determine how best to achieve them which has been carried out by PT. Pelindo III.
2. Organizing is organizing the resources owned by PT. Pelindo III is a company so that the HR management and development plan that has been made can actually be carried out.
3. Leadership a series of processes carried out by PT. Pelindo III so that employees continue to work together both at work form office and work form home for the benefit of the company that has been planned.
4. Controlling is a monitoring activity to ensure that it has complied with the health protocol while in the work of PT. Pelindo III can achieve its goals at the appointed time.

## V. Conclusion

Based on the discussion above, it can be concluded that there are The COVID-19 pandemic leaves various challenges that must be faced by all elements from the board of directors, managerial level to all PT Pelindo III staff. Various challenges that arise such as changes in work patterns, digitalization of the economy and changes to the supply chain system create urgency for HRD to re-skill and up-skill all employees. The methods used include setting worker shifting, setting leadership patterns and coordinating patterns, operating arrangements without going through physical contact and setting workers to take part in handling the pandemic, which is the right step to take considering the level of uncertainty when this pandemic will end is very high.

Suggestions for further researchers are it is hoped that further researchers will be able to specifically investigate the impact of the covid-19 pandemic on remote working/work from home because this variable is strongly influenced by many things and there are many paradoxes related to remote working. This kind of work pattern is very helpful for companies in suppressing the spread of the virus, but on the other hand, this kind of work pattern causes workers' inability to divide roles fairly between work and domestic life. Boundaries are biased and raise a lot of pros and cons including the relation to data security which is very interesting to discuss.

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## The Urgency of Regulatory Enforcement of Production and Circulation Laws Alcoholic Drinks (Oplosan Liquor)

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### Abstract

*The purpose of this study is to examine how the The Urgency of Regulatory Enforcement of Production and Circulation Laws Alcoholic Drinks (Oplosan Liquor). The type of research method used in writing this thesis proposal is a normative juridical method by conducting a literature study on legal materials, both primary legal materials, namely related legislation and secondary legal materials, namely literature related to the topic of the problem. Based on the results of normative research on the enforcement of the production and distribution of alcoholic beverages (alcoholic liquor) urgent for the regulation in law enforcement. This is due to the philosophical reason that intoxicating alcoholic beverages for most religions and certain ethnicities is believed to be prohibited behavior, and requires the existence of laws that provide certainty.*

### Keywords

urgency; production;  
law; alcoholic drink



## I. Introduction

Realization of the right to work and a decent living is a constitutional obligation of the state. The main task of the state is clearly stated in the constitution (UUD 1945), which is to promote public welfare and give freedom to all people in carrying out their business to support the economy for the sake of survival. The constitution mandates the government as a state administrator to be responsible for fulfilling the civil, political and economic rights of its citizens.

The obligation to protect means that the state must establish legislation as an instrument of legal protection that relating to the fulfillment of public safety and health in general, not only benefiting certain individuals or groups, and implementing it consistently. The state must play an active role in assisting its citizens in an effort to fulfill their right to food, without reducing the right to food of their other citizens. The state must ensure that every individual within its jurisdiction has the same opportunity to fulfill their needs, if this cannot be done by them.

Faster economic development make human innovate in life to adapt to economic developments. To be able to meet the needs of life, people must be able to compete to meet their economic needs. One of them is by trading or selling. In fact, Trading is sometimes carried out in a fraudulent manner. An example is selling alcoholic beverages or often referred to as liquor.

Regulation of the Minister of Trade Number 10/M-Dag/Per/1/2015 of 2015 concerning the Second Amendment to the Regulation of the Minister of Trade Number 20/M-Dag/Per/4/2014 concerning Control and Supervision of the Procurement, Circulation, and Sales of Alcoholic Beverages and the latest according to the regulation of the Minister of Trade of the Republic of Indonesia Number 97 of 2020 regulates that if you want to carry out trading business activities in alcoholic beverages, you must have a SIUP-MB (permit to be able to carry out business activities). Special trade in alcoholic beverages

first as explained in Article 1 paragraph (16) which reads "Trade Business Permit hereinafter abbreviated as SIUP is a permit to be able to carry out trading business activities." and paragraph (17) which reads "Alcoholic Beverage Trading Business License, hereinafter abbreviated SIUP-MB is a license to be able to carry out special Alcoholic Drinks trading business activities."

One of problem in the circulation of liquor is the increasingly widespread circulation of adulterated liquor, can spur the emergence of crime in the community. This criminal act is because people who consume bootleg liquor will feel braver than usual after consuming the drink. So that people who consume these drinks will do things that can harm others such as fights, murders, traffic accidents, duping, beatings, vandalism. And this is a problem because many people consume bootleg liquor. One form of state obligation in regulating the circulation of alcoholic beverages (alcoholic liquor) which is widely circulated in the community, prohibits the production and circulation of Arak and Tuak.

Arak is a distilled alcoholic beverage, a type of liquor that is usually produced in Southeast Asian and South Asian countries. Arak is made from fermented coconut sap, sugar cane, grains (eg rice, brown rice) or fruit, depending on the country or region of origin. Arak distillate ingredients can be mixed, stored longer in wooden barrels, or repeatedly distilled and filtered depending on the taste and color the maker desires.

The term "oplosan" itself has the meaning of "mixed". Where the mixed alcohol is liquor consisting of various mixtures, including mixed with industrial alcohol (methanol) or with herbal medicines such as strong drugs or health supplements. Oplosan liquor is usually made and sold illegally.

The mixture used as mixed liquor varies, one of which is methanol. Methanol is often used as a mixed drink because of the relatively cheaper price of methanol, such a product is called denatured alcohol. Methanol, commonly used as an organic solvent, is a type of alcohol that has the simplest structure, but is the most toxic to humans. Methanol poisoning usually occurs as a result of an accidental or accidental overdose causing metabolic acidosis.

Methanol is a chemical that is not fit for consumption. In fact, the content of these substances is actually consumed by many alcoholic drink addicts. Compared to the pure ethanol (alcohol) content which is only about 0.2%; Oplosan alcohol actually contains higher methanol, which is 40-60%. Inside the body; Methanol is easily absorbed and will quickly be distributed into body fluids. Methanol poisoning can cause inebriation.

## II. Review of Literature

### 2.1 Law Enforcement Theory

Law enforcement is a process to make legal wishes come true. What is referred to as legal desires here are the thoughts of the law-making body which are formulated in the legal regulations. The definition of law enforcement can also be interpreted as the implementation of law by law enforcement officers and by everyone who has an interest in accordance with their respective authorities according to the applicable legal rules. The enforcement of criminal law is an integral part of the process, beginning with the investigation, arrest, detention, trial of the accused and ending with the prison of the convict. According to Soerjono Soekanto, law enforcement is an activity to harmonize the relationship of values that are spelled out in solid rules and attitudes of action as a series of final value translations. To create, maintain and maintain peaceful social life.

Criminal law enforcement is the concrete application of criminal law by law enforcement officers. In other words, criminal law enforcement is the implementation of criminal regulations. Thus, law enforcement is a system that involves the harmonization of values with rules and real human behavior. These rules then become guidelines or benchmarks for behavior or actions that are considered appropriate or should be. The behavior or attitude of the act aims to create, maintain, and maintain peace.

Crime as a social problem is a dynamic phenomenon that always grows and is associated with symptoms and other social structures that are very complex, it is a socio-political problem. The need to link efforts to tackle crime (which will later be formulated in a criminal policy) is reasonable because in essence the purpose of the Criminal Policy is Community welfare, criminal policy is an integral part of the policy to achieve community welfare. (Tumanggor et al, 2019)

In the law enforcement process, it is the police who are at the forefront, because the police have the most direct contact with the community, compared to other law enforcers. Therefore, the attitude and personal exemplary of the police is one of the factors whether or not they are appreciated by the community towards law enforcement, which is quite influential on their obedience. Therefore, the quality and empowerment of the Police is one of the factors that will determine the effectiveness or not of the applicable legal provisions.

## 2.2 Concept of Alcoholic Drinks (Oplosan Liquor)

Alcoholic Beverages are beverages containing ethyl alcohol or ethanol ( $C_2H_5OH$ ) which are processed from agricultural products containing carbohydrates by means of fermentation and distillation or fermentation without distillation.

Alcoholic beverages according to Presidential Regulation No. 74 of 2013 include:

- a. Class A Alcoholic Drinks are drinks containing ethyl alcohol or ethanol ( $C_2H_5OH$ ) with a content of up to 5% (five percent)
- b. Class B Alcoholic Drinks are drinks containing ethyl alcohol or ethanol ( $C_2H_5OH$ ) with a concentration of more than 5% (five percent) up to 20% (twenty percent)
- c. Class C Alcoholic Beverages are drinks containing ethyl alcohol or ethanol ( $C_2H_5OH$ ) with levels of more than 20% (twenty percent) to 55% (fifty five percent).

Oplos liquor is liquor made from various ingredients that contain alcohol and are mixed together, and have varying levels of alcohol. The ingredients used for oplos liquor are alcohol with energy drinks, alcohol with milk, alcohol with cola or coke, alcohol with spiritus or other types of alcohol and alcohol with drugs.

Ingredients mixed to make bootleg liquor:

- a) Alcohol with Energy Drink

To get a better taste, alcoholics often add energy drink supplements to their drinks. Oplos this is often called "sunrise" and can reduce the bitter taste of alcoholic beverages or the pungent taste of higher alcohols.

Although the alcohol content becomes slightly reduced, other side effects will appear in this mixing. A pharmacist from ITB, Joseph I Sigit, said that alcohol and energy drinks have opposite effects. Alcohol is winning, while supplements function as stimulants. When combined, the effect can trigger heart failure.

- b) Liquor with Milk

One type of Oplos that often causes death tolls is "Susu Macan" (Lapen), which is a mixture of liquor mixed with milk. This type of drink is widely sold in traditional liquor stalls

c) Alcohol with Cola or Fizzy Drinks

One of the very popular Oplos is "Mansion Cola" which consists of Vodka mixed with soft drinks. The goal is to add flavor or mask the bad taste of the liquor.

d) Alcohol with Spiritus or Other Types of Alcohol

In traditional stalls, the mixing of several types of liquor is done to get a lower price. Drinks that are usually mixed with pyrite are vodka or other types of liquor that are not clear in their alcohol content. Types of alcoholic beverages that are consumed up to a certain amount are alcohol with 2 carbon atoms or ethanol. While alcohol with one carbon atom or methanol is generally used as a solvent or fuel, so it is very toxic if drunk. Quoted from Medschl.cam.ac.uk that 10 ml of methanol is enough to cause blindness and 30 ml will cause more fatal effects including death.

e) Alcohol with Drugs

With the assumption that it will increase the effects of alcohol, some people add drugs to liquor. Starting from eye drops, headache medicine, to mosquito repellent. Because it will increase metabolic activity, the most obvious side effect of this type of Oplos is liver and kidney damage. Other effects vary widely depending on the type of drug. A person mixing drugs into liquor is usually not a connoisseur of alcohol. The goal is clearly just to get an intoxicating effect or just a show of courage aka fighting guts. Effects on the human body caused by consuming too much liquor:

- a. Depending on liver function that can lead to hepatitis.
- b. Gastric damage occurs.
- c. Can cause tissue damage.
- d. Increases the risk of breast cancer.
- e. Damaging brain function (mental, memory loss and madness), heart and kidneys.
- f. Resulting in stroke, nerve paralysis and organ failure. Resulting in defects and disturbances in fetal growth and resulting in death.

Because of the very dangerous impact / effects caused by alcohol, any religion forbids this drink to circulate and be consumed by humans. The Criminal Code states that the crime of alcohol is regulated in Article 204 and Article 300, among others: Article 204 (1) "Anyone who sells, offers, delivers or distributes goods which he knows to endanger the life or health of people, even though If the dangerous nature is not notified, it is punishable by a maximum imprisonment of fifteen years. (2) "If the act results in the death of a person, the guilty person is threatened with life imprisonment or a maximum term of twenty years imprisonment. Article 300 (1) "Threatened with a maximum imprisonment of one year or a maximum fine of four thousand five hundred" Number 1. Anyone who knowingly sells or gives intoxicating drinks to someone who is already drunk. (3) "if the act results in death, the guilty shall be punished by a maximum imprisonment of nine years". (4) "if the guilty commits the crime in carrying out his search, his right to carry out the search may be revoked". Sentenced to a maximum imprisonment of fifteen years and a maximum fine of Rp. 300,000,000.00 (three hundred million rupiah).



### **III. Research Methods**

The type of research method used in writing this thesis proposal is a normative juridical method by conducting a literature study on legal materials, both primary legal materials, namely related legislation and secondary legal materials, namely literature related to the topic of the problem. The research method used consists of various methods and activities carried out in order to collect data from legal materials needed in order to complete the preparation of this thesis.

The writing of this thesis is done by using 2 (two) approaches to the problem, including the statute approach and the conceptual approach. The statute approach is to approach through a study of laws and regulations related to the legal issues discussed. While the conceptual approach is an approach guided by the views and doctrines of experts who develop in the science of law. To obtain accurate and authentic data, the collection of data sources in this study used 2 ways, namely field studies by means of literature studies. Literature Study The literature study in this case is an empirical legal research supported by normative legal research, so the data that is prioritized remains as primary data or field data, secondary data is as supporting or complementary.

### **IV. Results and Discussion**

Indonesia has faced extraordinary circumstances due to problems with the circulation of alcoholic beverages (alcoholic liquor). Many people have become victims of drinking "drinking liquor". The government cannot enforce the rules because the existing rules are no longer valid. This regulation is based on Presidential Decree no. 3 of 1997 which was later annulled through Supreme Court Decree No. 42 P/HUM/2012 dated 18 June 2013. Therefore, the Government needs to issue a new regulation to prevent and punish the illegal distribution and production of alcoholic beverages (alcoholic liquor).

The Unitary State of the Republic of Indonesia (NKRI) is a state of law and makes Pancasila the source of all sources of law. This means that all forms of activities and actions both individually and socially as a social order should reflect social patterns and patterns of life, behavior that is recognized by the rule of law and norms that are recognized by the philosophy and basis of the Pancasila State.

In fact, the behavior and habits of consuming alcohol today can be seen everywhere, at parties or anything that opens up opportunities for young people to gather, usually interspersed with activities by drinking alcohol, not only by teenagers. or youth and even parents participate in enlivening the liquor party so that it ends with the drunken drinker, however. Usually the end of it all, end with disputes, fights and actions that disturb others or the peace and tranquility of society.

This is very concerning, because among teenagers today, alcohol tends to have become familiar to them and of course has negative consequences. and will slowly shape the negative habits and culture of the young generation of the Indonesian nation as well. This situation is easy to happen because the flow of information and the phenomenon of globalization is so strong that it has an influence on attitudes and behavior to imitate western foreign cultures without trying to filter it.

According to Islamic law regarding the circulation of liquor (khamr) is a type of intoxicating drink and is forbidden. Drinks that are included in the khamr group are all types of drinks that have the same characteristics as khamr, namely intoxicating. So the limit of a drink is said to be khomer based on its nature not on the type and ingredients. Drinks that are grouped under khomer are haraam and are a heinous act and an act of the devil.

Rules for the prohibition of alcoholic beverages (khamr) apply to all Muslims and there are no exceptions for certain individuals. What is forbidden in Islam is the act of drinking khamr itself, regardless of whether the drinker is drunk or not. Allah says in QS Almaidah verse 90:

"O you who believe, verily (drinking) khamr, gambling, (sacrificing for) idols, drawing fate with arrows are among the actions of the devil. So stay away from these things so that you will get good luck."

Imam Bukhari when explaining the order of the prohibitions stated that because liquor is one of the most expensive ways to lose wealth, then followed by the prohibition of drinking khamr by gambling because gambling is one way that destroys property, then the destruction of property is followed by a prohibition on the glorification of idols that is the destruction of religion.

M. Quraish Shihab stated about the meaning of khamr and the scholars' dispute about the raw material. Abu Hanifah limited it to wine that was processed by cooking it until it boils and foaming, then left to clear. This one is unlawful to drink a little or a lot, intoxicating or not. As for other things, such as the juice of various fruits that have the potential to be intoxicating, then in Abu Hanifa's view, it is not called khamr and is not forbidden to drink, unless it is factually intoxicating. This opinion was rejected by other madhhab scholars. For the majority of scholars, anything that if drunk or used under normal conditions by a normal person and then intoxicates it is khamr and at that time it is haram, whether a little or a lot. This is based on the words of the Prophet SAW:

لَا رِكَ سَمٌ لَّ كُورْمَخٍ رَحْرَمَخَا

"Every intoxicant is khamr, and every khamr is haram" (HR Muslim from Ibn Umar).

Also based on the words of the Prophet, which is translated:

"Everything that intoxicates when drunk in large quantities, then the slightest amount is haram" (Narrated by Ibn Majjah through Jabir Ibn Abdillah).

Islam is not ignorant of the benefits of khamr, but in the view of Islam the impact of damage to khamr in human life is far greater than the benefits that can be obtained. This is stated in the Qur'an Surah Al Baqarah verse 219 which means:

"They ask you about alcohol and gambling. Say: "In both of them there is a great sin and some benefit to mankind, but the sin of both is greater than its benefit."

The Indonesian Constitution Article 29 paragraph 1 of the 1945 Constitution states that the state is based on God Almighty, but in responding to developments regarding alcoholic beverages, the government cannot do anything. Meanwhile, the right to a healthy environment in human life is a human right which is guaranteed in Article 28 H paragraph (1) of the 1945 Constitution of the Republic of Indonesia (hereinafter abbreviated as the 1945 Constitution of the Republic of Indonesia) which states: "Everyone has the right to live in prosperity. physically and mentally, have a place to live, and get a good and healthy living environment and have the right to obtain health services. This basic right must not be violated by anyone and must be upheld and respected so that everyone can enjoy his life in prosperity."

The importance of regulating the circulation of alcoholic beverages (alcoholic liquor) in the form of laws (national) or regional regulations (provincial, district/city) is felt very urgent considering:

- a. Health is a human right and one of the elements of welfare that must be realized in accordance with Pancasila and the 1945 Constitution;
- b. Whereas every activity in an effort to maintain and improve the highest degree of public health is carried out based on non-discriminatory, participatory, and sustainable principles in the context of forming Indonesian human resources, as well as increasing the nation's resilience and competitiveness for national development;
- c. Whereas every thing that causes health problems to the people of Indonesia will cause huge economic losses for the country, and every effort to improve the health status of the people also means investment for the development of the country;
- d. That every development effort must be based on health insight in the sense that national development must pay attention to public health and is the responsibility of all parties, both the Government and the community;

Not only that, the negative effects of alcoholic beverages on human health include GMO (Organic Mental Disorders), memory damage, Brain Odema (swelling and damming of blood in brain tissues, Liver Cirrhosis, Heart Disorders, Gastrinitis (alcohol addiction in which causes inflammation), Paranoid (psychiatric disorders).

Based on these negative impacts, it is natural to need a (national) legislation that specifically regulates the distribution and use of alcoholic beverages in order to prevent more victims. The state in this case has the function to regulate its citizens and implement social welfare.

The absence of specific laws governing alcoholic beverages at the national level does not mean that local governments do not have the authority to regulate them in regional regulations. Article 18 of the 1945 Constitution in conjunction with Article 17 paragraph 1 of Law no. 23 of 2014 concerning Regional Government which states that the Region has the right to determine Regional policies to carry out Government Affairs which are the authority of the Region.

In the absence of a law that specifically regulates alcoholic beverages, it does not mean that there are no regulations under it that regulate it. Presidential Decree No. 3 of 1997 concerning the Supervision and Control of Alcoholic Beverages is the basis used in regulating the supervision and control of alcoholic beverages, including the Salatiga Regional Regulation No. 15 of 1998. However, in its development Presidential Decree no. 3 of 1997 was declared invalid and has no legal force through Supreme Court Decision No. 42 P/HUM/2012 dated 18 June 2013. Therefore, the Government deems it necessary to issue a regulation for the control and supervision of alcoholic beverages in lieu of Presidential Decree no. 3 of 1997, namely through Presidential Regulation no. 74 of 2013 concerning Control and Supervision of Alcoholic Beverages which was then followed up by the Ministry of Trade through the Minister of Trade Regulation No. 20/M-DAG/PER/4/2014 concerning Control and Supervision of the Procurement, Distribution, and Sales of Alcoholic Beverages.

Thus, this study, wants to describe the practice of the circulation of alcoholic beverages and also wants to describe the urgency of regulating alcoholic drinking based on its negative impact, it is only natural that a (national) regulation is needed that regulates the circulation and use of alcoholic beverages in order to prevent the occurrence of more victims.

The state in this case has the function to regulate its citizens and implement social welfare.

Analysis of Relevant Legislation in Law No. 36 of 2009 concerning Health, the issue of alcoholic beverages, is not explicitly regulated. In Article 113 it says:

- 1) Safeguarding the use of materials containing addictive substances is directed so as not to disturb and endanger the health of individuals, families, communities and the environment.
- 2) Addictive substances as referred to in paragraph (1) include tobacco, products containing tobacco, solids, liquids, and gases that are addictive, the use of which can cause harm to themselves and/or the surrounding community.

Production, distribution, and use of materials containing addictive substances must meet the standards and/or requirements stipulated. In his explanation (Article 113 paragraph 3) it is stated that the determination of standards is directed so that the addictive substances contained in these materials can be suppressed to prevent the circulation of counterfeit materials.

If we read carefully, the norms governing these addictive substances are less clear (implicit), because they are still regulated in general. Therefore, the Law no. 22/1997 on Narcotics (which was later replaced by Law No.35/2009) and Law no. 5/1997 on Psychotropics with various implementing regulations, while the law on the Prohibition of Alcoholic Drinks, which is no less dangerous than Narcotics and Psychotropics, has never been issued until now.

The rise of cases of adulterated alcohol is clearly a special concern for the government. The Head of the Criminal Investigation Unit of the National Police Commissioner General of Police, Ari Dono Sukmanto, said that the perpetrators of producing and distributing bootleg liquor could be subject to Article 340 of the Criminal Code (Criminal Code) about premeditated murder. Because this case has claimed many lives.

Not only Article 340 of the Criminal Code, the perpetrators will also be charged with Article 204 of the Criminal Code concerning acts against the law for selling goods that endanger life and health. In the case of the circulation of oplosan liquor so far, the police have arrested the perpetrator with a violation Law No.18 of 2012 about Food.

### **Criminal Code**

Article 204 paragraph (1):

Whoever sells, offers, delivers or distributes goods which he knows to endanger the life or health of people, while the dangerous nature is not notified, is threatened with a maximum imprisonment of fifteen years.

Article 204 paragraph (2):

If someone dies because of that act, the guilty person is sentenced to life imprisonment or to a temporary imprisonment of twenty years.

Article 340:

Any person who intentionally and premeditated takes the life of another person, is sentenced for premeditated murder (moord), with the death penalty or life imprisonment or temporary imprisonment for a maximum of twenty years.

Meanwhile, the Food Law stipulates that:

Article 1 paragraph 19 states that: Processed food is food or drink resulting from a process in a certain way or method with or without additional ingredients

Article 138:

Everyone who produces Food for distribution, who intentionally uses any material as Food Packaging that can release contamination that endangers human health as referred to in Article 83 paragraph (1) shall be punished with imprisonment for a maximum of 2 (two) years or a fine of not more than 2 (two) years. IDR 4,000,000,000.00 (four billion rupiah).

Article 146 paragraph (1) letter b:

Death of a person, the perpetrator shall be sentenced to a maximum imprisonment of 10 (ten) years or a maximum fine of Rp. 20,000,000,000.00 (twenty billion rupiah).

The circulation of alcohol must be minimized as quickly as possible, both through regulation and prosecution. "Law officers at the level of a police unit who function as kamtibmas partners who often go around in the community actually already know, but because they seem to be 'mutually silent', they don't care about their function as law enforcement or have a preventive function from an event in the community.

As a result of such type of apparatus or there may be other people or certain apparatus that can be a protector for the seller or the maker of the oplosan drink. "This is related to big money, eternal mafia players and law enforcement officers are sometimes vulnerable to getting the virus by getting certain compensation from the activities of selling or producing these mixed drinks.

Therefore, he said, the right step is in addition to strengthening the function of the role of the community, with maximum punishment so that the criminal justice system is optimal and synergistic so that there is the same unity of action between the police, prosecutors and judges. So that the perpetrators of selling and producing oplosan drinks are punished as high as possible so that they are deterrent

The reason is that the existence of the oplosan drink is very dangerous to national security and is related to the quality of Indonesia's human resources, so a maximum sentence is needed plus a layered and optimal indictment of threats of premeditated murder, selling without a permit, tax manipulation, snaring the food law. With this decisive action, the goal is to make sellers and producers think about carrying out these activities. "So it is necessary to make new regulations and sanctions in the form of life sanctions and maximum fines for sellers and those who produce this mixed drink because they see the impact that causes greater crime and damages the nation's generation. Moreover, many victims have to be hospitalized, some are disabled, some die, so sanctions other than criminal and fines should be imposed.

In terms of social life, alcoholic beverages are very influential on social life. Usually someone consumes a mixed drink of several chemical substances that can immediately threaten the lives of users. They are proud to drink without taking their own lives into account. Oplosan liquor has been circulated massively both at the provincial and city/district levels. Oplosan liquor is a liquor made from a variety of ingredients containing alcohol and mixed together, and has varying levels of alcohol. The ingredients used for bootleg liquor are palm wine, Balinese brew / Balinese wine, drugs, energy drinks and other hazardous materials.

Human deaths caused by adulterated alcohol do not seem to be a strange thing anymore. Although it does not happen very often, the victims of adulterated alcohol are quite a lot. Some became blind and even died. To a certain degree, alcohol can actually help maintain health. But if excessive, this drink can cause poisoning. The risk increases when alcohol or liquor is mixed with various harmful ingredients.

Our society is already aware and knows that consuming alcoholic beverages or bootleg liquor will only result in a lot of losses, for that the local government is expected to

find the best solution for cases of alcoholic beverages including oplosan drinks which are still rampant. Consumption of alcoholic beverages has become a complex problem, not only related to problems in the health sector but also related to problems related to employment and taxation, and not infrequently also problems that have a psychological impact.

In Indonesia, alcohol abuse is also a serious health problem. The frequent appearance of news about the trading system of alcoholic beverages is at least an indication that alcoholic beverages are consumed by people in this country with a Muslim majority population. It has often been revealed that alcoholic beverages will only have a negative effect (drunk) for the drinker, even in some cases it results in death, but every year the number of alcoholics is not decreasing, it is increasing. For some people, drinking alcoholic beverages is considered a means to show valor or masculinity.

WHO data in 2011 stated that the number of deaths due to alcohol in the world reached 2.5 million people, including cases of accidents and diseases they caused. This number is greater than deaths due to HIV/AIDS and tuberculosis worldwide. From the 2012 National Police Research and Development data, it was found that junior high, high school and college students occupy the highest number of drug and alcohol use, as many as 70% users. Adolescent alcohol users ranged in age from 14-16 years (47.7%), 17-20 years (51.1%), and 21-24 years (31%).

## V. Conclusion

Based on the results of normative research on the enforcement of the production and distribution of alcoholic beverages (alcoholic liquor) urgent for the regulation in law enforcement. This is due to the philosophical reason that intoxicating alcoholic beverages for most religions and certain ethnicities is believed to be prohibited behavior, and requires the existence of laws that provide certainty.

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## Legal Regulations against Children Committing the Crime of Murder

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### Abstract

*The purpose of this study is to examine how Legal Regulations against Children Committing the Crime of Murder. The type of research method used in this research is normative juridical. The result shows that the legal arrangements for children who commit the crime of murder are very clearly regulated in the Law of the Republic of Indonesia Number 35 of 2014 concerning Amendments to Law of the Republic of Indonesia Number 23 of 2002 concerning Child Protection where for 2 (two) children in conflict with the law have been snared in Article 76C in conjunction with Article 80 paragraph (3). In addition, the examination of cases conducted by law enforcement officers, especially judges and public prosecutors, uses case examination using the Juvenile Criminal Justice System as regulated in Law Number 11 of 2011 concerning the Juvenile Justice System.*

### Keywords

legal regulations;  
children; crime;  
murder



## I. Introduction

Children are part of the younger generation who are the successors of the ideals of the nation's struggle as well as human capital for national development. This child born in Indonesia is very clearly the successor of the nation who has the rights and obligations to participate in building the Indonesian state and nation. The quality of these children is largely determined by the process and form of treatment of them today. Indonesian children are Indonesian people who are raised and developed as complete human beings, so that they have the ability to carry out their rights and obligations as rational, useful and responsible citizens.

Indonesian children as children of the nation mostly have the ability to develop them to be able to carry out their rights and obligations as citizens who are responsible and beneficial to fellow human beings. However, the current condition is also determined based on the physical and mental state of a child in becoming a role by giving birth to positive or negative personalities in carrying out their daily lives in the community. A child's mental weakness often allows him to be abused legally or illegally, directly or indirectly by the people around him without being able to do anything.

Children are the creation of God Almighty, must be protected and protected with respect, dignity, and self-respect in a reasonable manner both legally, economically politically, socially, and culturally without distinguishing between tribes, religions, races, and groups. Children must be guaranteed the right of life to grow and develop in accordance with the nature and nature. (Rizal et al, 2020)

Bad conditions for this child, can develop continuously and affect his life in the family, society and country. Situations like this can endanger the state, because basically the progress or decline of a nation really depends on the role of parents and families in educating their children. Therefore, child protection needs special attention in nation building. Children need to be protected from the negative impacts of rapid development,

globalization in the field of communication and information, advances in science and technology, as well as changes in the style and way of life of some parents that have brought about fundamental social changes in people's lives that greatly affect the value of children and child behavior.

In 1989, governments around the world agreed to promise equal rights for all children by adopting the United Nations Convention on the Rights of the Child. On January 26, 1990, the Government of Indonesia signed the Convention on the Rights of the Child as a result of the UN General Assembly which was adopted on November 20, 1989. Every child can grow up healthy, go to school, be protected, have their opinions heard, and be treated fairly.

Deviations in behavior or unlawful acts committed by the child, among others, are caused by factors from within the child (family) and outside the child (environment). Therefore, the role of parents in maintaining and educating children in the development towards adulthood is a major obligation. Before children grow and develop into adults, then before, these children will experience a period or world of children. Furthermore, it is the children's world that will shape and prepare for the maturation process later. Every child needs to get the widest opportunity to grow and develop optimally, physically, mentally, socially and with noble character.

## **II. Review of Literature**

### **2.1 Theory of the Juvenile Criminal Justice System**

Prior to the enactment of the Criminal Procedure Code, the criminal justice system in Indonesia was based on the Inlaands Reglement which was changed to Het Herziene Inlaands Reglement (HIR) Stbld. 1941 Number 44. In 1981, the draft law on criminal procedure law was ratified by the plenary session of the House of Representatives on December 23, 1981, then the President ratified it as Law Number 8 of 1981 concerning the Criminal Procedure Code, also known as the Book of Laws Criminal Procedure Code. The criminal justice system in the Criminal Procedure Code is in the form of an integrated criminal justice system. This system is based on the principle of functional differentiation among law enforcement officers in accordance with the process of authority granted by the law. The criminal justice system in Indonesia is regulated in a statutory regulation in this case is Law Number 8 of 1981 concerning Criminal Procedure Code.

The criminal justice system demands a harmonious relationship between administrative subsystems in the implementation of an integrated criminal justice system. Pragmatically, the issue of judicial administration in the criminal justice system is a significant factor in the principles of law enforcement and justice through an integrated criminal justice system subsystem. If the problem of judicial administration is not good in concept and implementation, the objectives to be achieved by the existence of an integrated criminal justice system cannot be realized and what happens is the opposite, namely the failure of the legal principles and principles that form the basis of the normative framework of an integrated criminal justice system. In relation to efforts to provide legal protection for children in conflict with the law, the juvenile criminal justice system must be interpreted broadly, it is not only interpreted as handling children who commit criminal acts. However, the juvenile criminal justice system must also be interpreted to include the root causes of why children commit crimes and their prevention efforts. Furthermore, the scope of the juvenile criminal justice system includes a wide variety and complexity of issues ranging from children making first contact with the police, the judicial process, conditions of detention, and social reintegration, including the perpetrators in the process.

## 2.2 The Concept of Children in Conflict with the Law

Children according to language are the second offspring as a result of the relationship between a man and a woman. In the preamble of Law no. 23 of 2002 concerning the protection of children, it is stated that children are a mandate and gift from God Almighty, who has inherent dignity and worth as a whole human being. Furthermore, it is said that children are buds, potentials, and the younger generation who succeeds the ideals of the nation's struggle, has a strategic role and has special characteristics and characteristics that ensure the continuity of the existence of the nation and state in the future. Therefore, so that every child will be able to take on these responsibilities, he needs to get the widest possible opportunity to grow and develop optimally, both physically, mentally and socially, and with noble character. It is necessary to make efforts to protect and realize the welfare of children by providing guarantees for the fulfillment of their rights and treatment without discrimination. From this explanation, it can be seen that the legislators (DPR and the Government) have legal politics that are responsive to child protection. Children are placed in a noble position as a mandate from God Almighty who has a strategic role in ensuring the continuity of the existence of this country. Through Law no. 35 of 2014, the guarantee of children's rights is protected, and the Indonesian Child Protection Commission (KPAI) was even formed which has the responsibility to increase the effectiveness of child protection. It can be seen that the legislators (DPR and the Government) have legal politics that are responsive to child protection. Children are placed in a noble position as a mandate from God Almighty who has a strategic role in ensuring the continuity of the existence of this country. Through Law no. 35 of 2014, the guarantee of children's rights is protected, and the Indonesian Child Protection Commission (KPAI) was even formed which has the responsibility to increase the effectiveness of child protection. It can be seen that the legislators (DPR and the Government) have legal politics that are responsive to child protection. Children are placed in a noble position as a mandate from God Almighty who has a strategic role in ensuring the continuity of the existence of this country. Through Law no. 35 of 2014, the guarantee of children's rights is protected, and the Indonesian Child Protection Commission (KPAI) was even formed which has the responsibility to increase the effectiveness of child protection.

The handling of children in conflict with the law so far has not fully sided with the child and has taken into account the best interests of the child. One of the weaknesses in handling children in court, for example, is that there is no children's waiting room and when a juvenile court is held, there are still many court attributes attached to the room, such as judges' clothes, hammers, photos of the president, and witness podiums. This situation is clearly impartial and pays attention to the mentality of children, even though the handling of children in conflict with the law (AKH) must be in accordance with the convention on children's rights which has been ratified by Presidential Decree no. 36 of 1990 which mandates that the legal process is carried out as the last step and for the shortest and most appropriate period, and that criminal penalties for children should be avoided from juvenile prisons.

### III. Research Methods

The type of research method used in this research is normative juridical. According to Suratman and Philips Dillah, "Normative legal research is also called doctrinal legal research or library research or document study, because it is aimed at written regulations or other legal materials. This normative legal research was conducted through a literature study of legal materials, both primary legal materials, namely laws and regulations related to children dealing with the law, and secondary legal materials, namely literature related to the topic of research problems. The research method used consists of various methods and activities carried out in order to collect data from legal materials needed in order to complete the preparation of this research.

According to Peter Mahmud Marzuki, there are several kinds of approaches in research, namely:

- a. Legislative approach (statute approach)
- b. Case approach (case approach).
- c. Historical approach (historical approach).
- d. Comparative approach.
- e. Conceptual approach (conceptual approach).

### IV. Results and Discussion

The Big Indonesian Dictionary (KBBI) states that children are the second descendant. In the preamble to the Child Protection Act, it is stated that children are a mandate and gift from God Almighty, who has inherent dignity and worth as a complete human being. Furthermore, it is stated that children are buds, potentials, and the younger generation who succeeds the ideals of the nation's struggle, has a strategic role and has special characteristics and characteristics that ensure the continuity of the existence of the nation and state in the future. Law Number 4 of 1979 concerning Child Welfare (hereinafter referred to as the Child Welfare Law) states that a child is a person who must obtain rights which then these rights can ensure proper growth and development both spiritually, physically and socially. Children also have the right to services to develop their abilities and social life.

Article 1 number 1 of the Child Protection Law states that "A child is someone who is not yet 18 (eighteen) years old, including children who are still in the womb". According to the Child Welfare Act, the definition of a child is a person who must obtain rights which then these rights can guarantee proper growth and development both spiritually, physically, and socially, or the child is also entitled to services to develop his abilities and life social. Children also have the right to care and protection both during the womb and after they are born. Child protection is the effort and activity of all levels of society in various positions and roles, who are fully aware of the importance of children for the homeland and nation in the future. If they have matured their physical and mental social growth, then it is time to replace the previous generation. Child protection is all efforts made to create conditions so that every child can carry out his rights and obligations for the development and growth of children naturally. Legal protection for children can be interpreted as an effort to protect the law against various freedoms and rights of children (fundamental rights and freedoms of children) as well as various interests related to the welfare of children. So the issue of legal protection for children covers a very broad scope.

In the constitution of the Unitary State of the Republic of Indonesia, where the 1945 Constitution of the Republic of Indonesia as the highest legal norm has outlined that every

child has the right to survive, grow and develop and is entitled to protection from violence and discrimination. The provisions of Article 1 number 12 of the Child Protection Law state that children's rights are part of human rights that must be guaranteed, protected, and fulfilled by parents, families, communities, state, government, and local governments. The principle of child protection also adheres to the principle of non-discrimination which instructs the state not to discriminate against children for any reason. No one should treat a child regardless of whether he or she comes from any ethnic, sect, economic or social group. Every child has the right to get justice for their rights without being limited by differences in ethnicity, skin color, religion, social status and so on.

All rights recognized and contained in the Convention on the Rights of the Child must be applied to every child without any distinction. This principle is contained in Article 2 paragraph (1) of the Convention on the Rights of the Child (hereinafter abbreviated as CRC) which states that "States parties respect and guarantee the rights set out in this convention for every child within their jurisdiction without discrimination in the form of regardless of race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property status, disability or not, birth or other status of the child himself or his guardian valid". Furthermore,

The principle of the best interests of children, something that adults think is good is not necessarily good according to the size of the child's interests. Considerations in decision-making regarding the future of children are not with the size of adults and are not centered on the interests of adults, therefore children should be involved in every policy making related to children.

This principle is stated in Article 3 paragraph (1) of the Convention on the Rights of the Child as abbreviated (KHA): "In all actions involving children carried out by government and private social welfare institutions, judicial institutions, government institutions or legislative bodies, the best interests of for children must be the main consideration (Article 3 paragraph 1 KHA)". This principle reminds all child protection providers that the considerations in making decisions are about the future of the child, not by the size of adults, let alone centered on the interests of adults. What according to the size of adults is good, is not necessarily good according to the size of interest. It may be that adults mean to provide assistance and help, but it destroys the future of the child.

The principle of child survival and development is a very large concept of child life and must be viewed as a whole for the sake of the child himself. This can be seen in the problems of everyday life that involve children's lives, especially in the selection of educational paths for children. Every child has an inherent right to life, and maximum survival and development must be guaranteed. This principle is contained in Article 6 paragraph (1) of the CRC which states that "States parties recognize that every child has an inherent right to life". Then in paragraph (2) states that "States parties will guarantee to the maximum extent the survival and development of children".

This principle has a very clear message that the state must ensure that every child will guarantee their survival because the right to life is something that is inherent in him, not a gift from the state or individuals. To guarantee the right to life means that the state must provide a conducive environment, adequate living facilities and infrastructure, as well as access for every child to obtain basic needs. The principle of respect for children's opinions emphasizes that children have personality autonomy. Therefore, children should not only be seen in a weak, accepting and passive position. The child has experiences, desires, imagination, obsessions, and aspirations, even children are very distinctive and often not understood by adults, and children have their own world and expectations which are certainly different from adults. This principle aims to give freedom to children in order



to develop their creativity and intellect. This principle is contained in Article 12 paragraph (1) of the CRC that "States parties shall ensure that children who have their own views have the right to express their views freely in all matters affecting the child, and these views will be respected according to their age level and maturity of the child".

#### **4.1. Protection of Children under the Convention on the Rights of the Child**

The protection of children according to the convention on the rights of the child begins with concern for children's problems which began to be recorded in the 1920s, after World War I. In that war, women and children suffered the most. Adult men may be injured but he can still hold his head proud of his heroic stories during the war. However, this is not the case with women and children who have to run, hide, be threatened and depressed both physically and psychologically during the war.

The juvenile criminal justice system is implemented based on the following principles:

1. The principle of protection, which is meant by the principle of protection, includes activities that are direct and indirect from actions that harm children physically and/or psychologically.
2. The principle of justice the principle of justice is that every settlement of a child's case must reflect a sense of justice for the child.
3. The principle of non-discrimination What is meant by the principle of non-discrimination is the absence of different treatment based on ethnicity, religion, race, class, gender, ethnicity, culture and language, legal status of children, order of birth of children, as well as physical and/or mental conditions.
4. The principle of the best interests of children  
The principle of the best interests of children is that all decision-making must always consider the survival and development of the child.
5. The principle of respect for the opinion of children.  
The principle of respect for children's opinions is respect for children's rights to participate and express their opinions in decision making, especially regarding matters that affect children's lives.
6. The principle of survival and child development.  
The principle of survival and child development is the most basic human right for children who are protected by the state, government, community, family, and parents.
7. The principle of fostering and guiding children.  
The principle of fostering and guiding children is an activity to improve the quality, piety to God Almighty, intellectual, attitude and behavior, skills training, professional, as well as physical and spiritual health of children inside and outside the criminal justice process.
8. Proportional principle  
The principle of proportionality is that all treatment of children must show the limits of the needs, age and condition of the child.
9. The principle of deprivation of liberty and punishment as a last resort The principle of deprivation of liberty and punishment as a last resort is basically that children cannot be deprived of their liberty, unless forced to do so for the purpose of settling cases.
10. The principle of avoidance of retaliation  
The principle of avoiding retaliation is the principle of avoiding retaliation in the criminal justice process.

The purpose of the Juvenile Criminal Justice System, according to Gordon Bazemore, states that the juvenile criminal justice system (SPPA) is different, depending on the paradigm of the juvenile criminal justice system adopted. There are three well-known juvenile justice paradigms, namely the individual treatment paradigm, the retributive paradigm, and the restorative paradigm.

1. The Goals of the Juvenile Criminal Justice System with the Individual Development Paradigm

The purpose of the juvenile criminal justice system with the individual development paradigm is the emphasis on the problems faced by the perpetrators, not on the actions/losses caused. This responsibility lies in the responsibility of the system in meeting the needs of the actors. The imposition of sanctions on the juvenile criminal justice system with the paradigm of individual development is irrelevant, incidental and generally inappropriate.

2. The Purpose of the Juvenile Criminal Justice System with a Retributive Paradigm

The purpose of the juvenile criminal justice system with a retributive paradigm is determined when the perpetrator has been sentenced, the goal of imposing sanctions is achieved by the fact that the perpetrator has been sentenced to a crime and with an appropriate, definite, worthy and fair punishment. The form of punishment is in the form of confinement, electronic supervision, punitive sanctions, fines and fees. The success of community protection is seen in the circumstances of whether the perpetrator has been detained, whether the recidivist is reduced by prevention or detention.

3. The Purpose of the Juvenile Criminal Justice System With a Restorative Paradigm

The purpose of the juvenile criminal justice system with a restorative paradigm for children is the principle of avoiding retaliation. As an effort to prevent children from retaliation in the criminal justice process, an effort is called restorative justice. Restorative justice is a settlement process that involves the perpetrator, the victim, the family of the perpetrator/victim, and other parties involved in a crime, jointly seeking a solution to the crime and its implications by emphasizing the restoration of its original state.

Restorative justice is a concept of thought that responds to the development of the criminal justice system by emphasizing the involvement of the community and victims who feel excluded from the mechanisms that work in the current criminal justice system. On the other hand, restorative justice is also a new frame of mind that can be used in responding to a crime for law enforcement and legal workers. An investigation is a series of actions carried out by an investigating official in accordance with the method in the law to seek and collect evidence, and with that evidence make or become clear on the criminal act that occurred and at the same time find the suspect for the perpetrator of the crime.

Investigators who are directly related to the enforcement of children's rights include the following:

1. Arrest

Arrest is an investigator's action in the form of temporary restraint on the freedom of a suspect or defendant if there is sufficient evidence for the purposes of investigation or prosecution and/or trial in matters and according to the method regulated in this law (Article 1 Point 20 of the Criminal Procedure Code).

Article 30 of the SPPA Law states that:

- 1) The arrest of a child is carried out for the purpose of investigation for a maximum of 24 (twenty four) hours.
- 2) Arrested children must be placed in a special child service room.

- 3) In the event that a special service room for children does not yet exist in the area concerned, the child is deposited in the LPKS.
- 4) The arrest of children must be carried out humanely by taking into account the needs according to their age.
- 5) The cost for each child placed in LPKS is borne by the budget of the ministry that carries out government affairs in the social sector.

## 2. Detention

Detention is the placement of a suspect or defendant in a certain place by an investigator or public prosecutor or judge with his determination according to the method regulated by law. Van Bemmelen said detention is a beheading that cuts both parties because this cruel act can be imposed on people who are not necessarily guilty.

Article 32 of the SPPA Law states that:

- 1) Detention of a child may not be carried out in the event that the child receives a guarantee from the parent/guardian and/or institution that the child will not escape, will not destroy or destroy evidence, and/or will not repeat the crime
- 2) Detention of a child can only be carried out under the following conditions:
  - a. The child is 14 (fourteen) years old or more; and
  - b. Suspected of committing a crime with a threat of imprisonment of 7 (seven) years or more.
- 3) The terms of detention as referred to in paragraph (2) must be stated explicitly in the detention order.
- 4) As long as the child is detained, the child's physical, spiritual and social needs must be met.
- 5) To protect the safety of the child, the child can be placed in LPKS.

Prosecution is explained in Article 1 point 7 of the Criminal Procedure Code that "Prosecution is prosecuting a defendant before a criminal judge by submitting the case of a defendant with his case file to the judge, with a request that the judge examine and then decide the criminal case against the defendant". Legal protection of children's rights during prosecution is specifically regulated in Article 41 and Article 42 of the SPPA Law. Article 41 of the SPPA Law states that "Prosecution of children's cases is carried out by the public prosecutor determined by the decision of the Attorney General or other officials appointed by the attorney general". The requirements to be appointed as a public prosecutor in a child case are as follows:

1. Has experience as a public prosecutor;
2. Have interest, attention, dedication and understanding of children's problems; and
3. Has attended technical training on juvenile justice.

The criminal justice process is a juridical process, where the law is enforced without compromising the freedom of expression and defense where decisions are made with certain motivations. The rights that need to be considered and fought for are:

1. Rights are enforced as those who have not been proven guilty;
2. The rights to be protected from harmful actions, causing mental, physical and social suffering;
3. The right to receive assistance from legal counsel;
4. The right to receive transportation facilities and counseling in participating in facilitating inspections;
5. Right to express opinion;
6. The right to a closed trial in his interest;
7. The right to receive humane guidance in accordance with Pancasila and the 1945 Constitution and the idea of a correctional facility;

8. The trial as far as possible is not postponed, as a consequence, careful preparation before the trial begins;
9. The right to be able to relate to parents and their families.

The trial examination of children's cases is carried out by a judge who is determined based on the decision of the Chief Justice of the Supreme Court at the suggestion of the Head of the District Court concerned through the Head of the High Court Article 44 of the SPPA Law states that "Judges examine and decide cases of children in the first instance with a single judge". In the process in court, the head of the court is obligated to appoint a judge to handle a child case no later than 3 (three) days after receiving the case file from the public prosecutor

The trial of children's cases is closed in order to create an atmosphere of calm and full of kinship, so that children can express all events and feelings openly and honestly during the trial. In the trial process, in principle, children are tried in a special children's court room and a children's court waiting room which is separated from the adult court waiting room. The time for the trial of children takes precedence over the time of trial for adults. In addition, the judge examines children's cases in a trial which is declared closed to the public, except during the reading of the verdict. In a child's trial, the judge is obliged to order parents or guardians, community counselors, advocates or other legal aid providers to accompany the child.

## V. Conclusion

The legal arrangements for children who commit the crime of murder are very clearly regulated in the Law of the Republic of Indonesia Number 35 of 2014 concerning Amendments to Law of the Republic of Indonesia Number 23 of 2002 concerning Child Protection where for 2 (two) children in conflict with the law have been snared in Article 76C in conjunction with Article 80 paragraph (3). In addition, the examination of cases conducted by law enforcement officers, especially judges and public prosecutors, uses case examination using the Juvenile Criminal Justice System as regulated in Law Number 11 of 2011 concerning the Juvenile Justice System.

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## The Analysis of Pre-Service EFL Teachers' Teaching Implementation

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### Abstract

*This study discussed the pre-service EFL teachers' teaching implementation, and it was done to find out how the implementation of the Pre-service EFL teaching implementation was. This research was done at 3 Private Junior High schools in East Medan, in Pancing, Medan. The respondents of the study were 76 students who were chosen using the quota sampling technique. The instrument of the study used was a set of questionnaires that consisted of 25 statements items. The result of the study is that students were agreed with the Pre-service EFL teachers' teaching level quality (3.39), teaching level appropriateness (3.31), motivation and reward (3.22), and teaching time management (3.48). It is concluded that the Pre-service teachers' teaching implementation is at a moderate level.*

### Keywords

implementation; pre-service EFL teachers; teaching



## I. Introduction

The quality of student learning outcomes is determined through the way teaching is delivered to them through various pedagogical practices. From this context arises the role of teachers to determine the best teaching materials and guide students towards reliable sources of knowledge (Xu, L 2012). Teachers are responsible for determining the effectiveness of students' learning processes through their teaching because teachers are individuals who have a direct relationship with students in the classroom (Zee and Koomen, 2016). Teachers' teaching in the classroom needs to be given attention to ensure the effectiveness of implementing education in schools (Mitchell and Lewis, 2016). Therefore, teachers must choose effective teaching methods to deliver meaningful education to students. Teachers who want to ensure the effectiveness of quality in their teaching should have credibility in six things, namely pedagogical knowledge, effective teaching implementation, control of interaction atmosphere in the classroom, management of elements in the classroom, teachers' hold on the teaching process and learning as well as the attitude of teacher professionalism (Naibaho, L., 2021). In addition, teachers who focus on achieving student learning objectives and standards by ensuring that their knowledge can be absorbed into students' minds will also make their teaching more effective (Marzano and Toth, 2013). It proves that the mastery of lesson content alone is not enough for a teacher to make his teaching effective, but even skills, behaviour, and motivational aspects are also among the factors that affect the quality of teacher teaching (Nadeak, et al 2021).

Effective teacher teaching practices are any teaching practices that encourage collaboration between students, support active learning and practices that help teachers improve student achievement by monitoring their learning process progress (Hénard, F. and Roseveare, D., 2012). Teachers' effective teaching practices are assessed from the practices implemented to encourage students to actively engage in the classroom and how practical activities can be implemented through such teaching practices. To achieve a

practical level of teaching, teachers need to adapt their teaching to students' level of knowledge, motivate students to learn, manage student behaviour, form groups of students in teaching, and test and evaluate students (Nilson, L.B., 2016). Through effective teaching in line with the needs of the 21st century, students will be able to increase their knowledge and skills and behave more positively (Sieberer-Nagler, K., 2016). The lack of teachers' teaching effectiveness from the beginning will cause the teaching and learning process to be problematic because students are not guided in an appropriate way for them to learn.

Some data show that teacher quality is not as expected when many teachers are not qualified to teach the subjects taught, and as a result, many important concepts that should be taught to students are ignored because teachers themselves do not understand the subject concepts (Milner IV, H.R., 2010). The failure of teachers to deliver lesson content using the correct methods can cause students' interest in learning to be impaired. Low-quality teacher teaching creates a burden on students, especially students who have limited time and resources to review lessons (Makunja, G., 2016). Although researchers in the past have extensively done studies on the effectiveness of teacher practice, yet to date, studies still found no significant positive change in the level of teacher teaching quality, in general. Research studies on the effectiveness of teachers' teaching practices from the perspective of students are also lacking. Understanding principles and concepts are essential in English, especially in the fundamentals section, as a weak foundation will potentially present problems to the future learning process. Forming a solid foundation, the role of teachers is significant in providing appropriate methods and approaches that can build a strong understanding among students. 65% of students in her study admitted that their learning process becomes more complicated when they cannot relate their lessons to real-life situations, which stems from the ineffectiveness of teaching methods used by teachers to deliver lessons (Osanloo, A. and Grant, C., 2016). Therefore, Pre-service EFL teachers need to pay attention and constantly upgrade the effectiveness of their teaching practices to benefit students in terms of academic performance. To upgrade the effectiveness of teacher teaching practice, the current level of teacher teaching practice needs to be identified. This study aims to identify the level of effective teaching practice of Pre-service EFL teachers based on the Slavin Model from students' perspective. The study's objectives are as follows: a) What is the level of teaching practice of Pre-service EFL teachers in terms of teaching quality?; b) What is the teaching practice of Pre-service EFL teachers in terms of the suitability of the teaching level?; c) What is the teaching practice of Pre-service EFL teachers from the aspect of providing incentives?; d) What is the level of teaching practice of Pre-service EFL teachers from the aspect of time management level?

## II. Review of Literature

In a teaching and learning process, there are two elements that play a role and are interrelated in the learning method is the teaching method and teaching media. The choice of one particular teaching method will affect the appropriate type of teaching media in addition to various other aspects that must be considered in choosing media, including teaching objectives, types of tasks and responses expected by students to master after the teaching takes place, and the learning context including student characteristics. (Abdillah et al, 2020)

The model of effective learning practices introduced in education is "A Model of School Learning" by Carroll. The model, which outlines that five factors contribute to an effective learning process, namely the general ability of students to learn (aptitude), the ability to understand teaching (ability to understand instruction), the determination of

students to spend time to be actively involved in the learning process (perseverance), the time available for learning (opportunity) and the effectiveness of the delivery of a lesson (quality of instruction). Continuing with Carroll's model, the factors of students' general ability to learn and their ability to understand a teacher's teaching are by no means under the mastery and control of a teacher (Kunter, M et al, 2013). So, for this reason, Slavin introduced an effective teaching model replacing the Carroll model by eliminating elements that are not under a teacher's control and maintaining elements that can only be controlled by the teacher (Slavin, R.E., 2019). The elements maintained are the quality of instruction, the appropriate level of instruction, incentive and time. To achieve a practical level of teaching, teachers need to have the ability to adapt their teaching to the level of knowledge of students, motivate students to learn, manage student behaviour, form groups of students in teaching and test and evaluate students.

Teachers who strive to attract students to learn are among the characteristics distinguishing between quality teachers and those who are not (Simon, N. 2015). Quality in lesson delivery with clear instructions from teachers is essential in creating effective teaching. Quality teacher teaching is important because there is no doubt that students' early learning experiences affect the skills they will master and learn in the future (Nadeak, B et al 2020). The quality of a teacher's teaching has a significant influence on his students where the more the quality of teaching delivered to students, the more likely the student is to feel motivated to learn (Naibaho, L., 2014). The quality of teacher teaching is influenced by the methods used by teachers in delivering their teaching, that is, by referring to the way the teacher implements teaching and learning sessions in the classroom (Vaughan, M., 2014). For example, the use of teaching aids (BBM) helps teachers perform their function as facilitators in student learning sessions and increase their teaching effectiveness with a participation percentage of 25 per cent (Ramdass, D. and Zimmerman, B.J., 2011). From the context of English subjects, the use of assessment-based teaching methods such as examinations, homework and quizzes also can play an essential role in creating changes in students' attitudes towards the subject while helping to improve their academic achievement (Naibaho, L., 2019). In order to achieve quality teaching, there are some guidelines for delivering lectures effectively. They are namely: making lesson plans by setting lesson content to be taught as well as providing notes; always trying to attract students in the teaching and learning process, ensuring student attendance, ensuring students can see and hear teachers well, using audiovisual materials, paying attention to student feedback, regularly giving examples, relating lessons to previous or upcoming topics, providing ongoing training and summarizing the critical content of teaching when closing learning sessions (Chini, J.J. et al 2016). The feedback received by teachers can be used as a tool to identify whether teachers' teaching practices contribute to students' learning progress or not.

Among the guidelines that teachers can use in determining the appropriateness of the level of teaching is guided by Bloom's Taxonomy, by classifying the human cognitive level into six levels, namely remembering, understanding, applying, analyzing, evaluating and creating. Since teachers are the main pillars that shape a high-level thinking society, teachers must have competencies in all levels of learning, exceptionally high-level (Tyas, E.H., et al. 2021). In implementing the teaching and learning process, teachers need to set the level of teaching based on the level of students' cognitive ability in mastering the learning content (Seman, S.C, et al. 2017). Teachers need to know that each student has their learning ability, learning style and personality. The psychology of a student plays a role in his learning style, some students are comfortable studying with their peers, and some students need individual attention (Holtbrügge and Mohr, 2010). As a result of

differences in abilities and learning styles, and personalities between students, teachers, need to skillfully adapt their teaching style to meet the learning needs of all students by taking advantage of their existing knowledge to adapt to the teaching to be delivered. Thus, the level of teaching needs to be set well to prevent intelligent students from becoming bored and weak students feeling that the teacher's teaching is too complicated (Gregory, and Chapman, 2012). Therefore, if teachers can understand the criteria of their students, they will tend to determine the learning strategies that best suit their students 'level of thinking.

To address differences in students 'cognitive levels, teachers can practice cooperative learning to encourage intelligent students to help their weaker peers in the group assigned to them. Furthermore, using student-centred teaching methods helps teachers cover the entire level of their teaching when students are directly able to create experiences based on their learning (Naibaho, L., 2019). In this regard, teachers are encouraged to teach actively so that students can experience a learning process that is more than just seeing and listening, deepening the teacher's teaching style beyond the information presented, relating their level of thinking with the teaching presented and gaining the opportunity to identify relationships between teachers' teaching with their values and attitudes. Teacher motivation and reward practices refer to teachers 'diligence in keeping students motivated throughout the teaching and learning process in the classroom by way of delivering engaging lessons and rewarding students. The reward is a qualitative value related to the attitude given in return for good behaviour. As a motivation and reward to encourage students to perform their homework diligently, teachers need to explain the purpose of the learning session to be achieved to motivate students, create a pleasant learning environment, use a variety of exciting teaching methods, give appropriate praise for student achievement, evaluate students, provide insights into student work and create competition and cooperation between students (Hennessey, B., 2015).

Incentives in learning can be thought of as additional incentives or rewards that act as an incentive tool to acquire the desired learning. Through rewarding or positive reinforcement practised by teachers, students will always behave well and be highly motivated to follow the teacher's instructions (Joo, H.J, et al. 2012). Based on Operant Conditioning Theory, a learning system that involves rewards and penalties through reinforcement, good behaviour is associated with positive or negative reinforcement, while bad behaviour is associated with positive or negative shaped penalties. Some reinforcement techniques can be implemented in any behavioural situation or disciplinary challenge to produce good student academic achievement by rewarding students who behave well. The implementation of Small Unit Thinking where teachers focus on solving an issue at a time, creating relationships contracts between teachers and students, instilling values of trust between teachers and students, and reaching a mutual agreement with students about agreed and disagreed behaviours (James, O.E, 2015). In addition, another technique that can be used to foster positive behaviours among students is to create a classroom atmosphere that makes students feel safe, comfortable and invited.

Teachers' teaching time in schools is generally divided into two, namely the amount of time given to teachers to teach by the school (allocated time) and assignment time (engaged time) for the use of teachers to teach and for students to use to deepen the knowledge and skills imparted by teachers. Current studies indicate that academic learning time, allocated time and engaged time can be directly associated with teacher performance compared to other factors (Fisher, C, et al 2015). Teachers who start teaching on time and teach regularly and quickly but often stop to ensure students 'understanding and participation in the lesson sessions are characteristics of teachers who manage teaching

time well. Time management covers the elements of schedule construction and implementation, distribution of subjects, total teaching period taken by teachers, lesson plans, class activity plans, punctuality practices by teachers in schools and classrooms, teacher guidance and counselling, time allocated to students individually, organization and preparation of student curriculum activities. Several factors are likely to cause teachers to fail to complete their assignments on time. Stress is a significant factor affecting the time management process, so the leading solution to overcome this problem is to perform the task effectively and efficiently and reduce the work rush. Several factors that hinder the mastery of teachers' skills in time management, namely unclear plans and goals in the teaching and learning process, lack of strategic objectives in the teaching and learning process, lack of trained teachers, discontinuity in the change process, lack of change drivers sufficiently motivated as well as teacher frustration and confusion. Therefore, time management is an essential aspect that teachers need to be given attention.

Teachers must be able to familiarize students with problem solving in learning because the activity is not rigid in nature and can train students to solve their problems. With problem solving, students will be encouraged to analyze data and information, critical thinking, and communicate through oral and written which is also part of 21st century skills. (Ghofur, et al. 2019)

### III. Research Methods

This study is a quantitative study using a cross-sectional survey design. This design is used because it can save cost and time and facilitate the researcher to obtain feedback from many respondents accurately. The respondents of this study are students of Private Junior High School in East Medan, in the district of Pancing, Medan. Three schools were identified and selected as the representative of the research respondents. To ensure that the study was significant, the researcher determined the number of study respondents. The respondent selected was a total of 76 students through the quota sampling technique. The researcher determined the number of study respondents required by the school through quota sampling, namely 76 respondents consisted of 13 male students and 63 female students. In this study, a questionnaire was used as an instrument that consisted of 25 items of the statement, which was divided into four categories that talked about pre-service EFL teachers' teaching implementation expressed in the Slavin model, namely using a 4-point Likert scale (1: Strongly Disagree; 2: Disagree; 3: Agree; 4: Strongly Agree). Study data were analyzed descriptively, using mean, percentage and frequency of items in each statement in the study instrument. The mean scores obtained were interpreted based on a 4-point Likert scale and interpreted as Table 1.

**Table 1.** Score Range Interpretation

<b>Range</b>	<b>Score Range Interpretation</b>
1.00 - 2.00	Low (L)
2.01 - 3.00	Medium Low (ML)
3.01 - 4.00	Medium-High (MH)
4.01 - 5.00	Height (H)

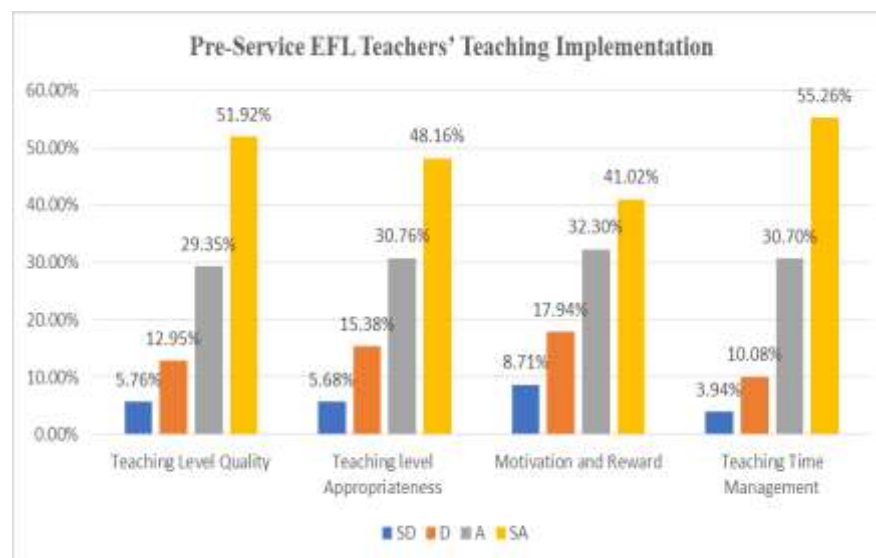
## IV. Results and Discussion

The overall mean of the teacher's teaching quality showed a value of 3.39, which is at a medium to a high level—table 2 displays the teaching level quality data showing that most respondents agreed with the statements presented. Based on the overall teaching quality items, item S10 had the highest mean value (mean = 3.42) when 86.8% agreed that the Pre-service EFL teachers gave training and homework. Item A4 showed the lowest mean value reading (mean = 3.08) but still at a moderately high level were 76.2% of students agreed that Pre-Service EFL teachers use various teaching aids.

Findings show that the effective teaching practice of Pre-service EFL teachers in terms of teaching quality is at a moderately high level. Pre-service EFL teachers plan their lessons, use various teaching methods, monitor students' progress and understanding and straightforwardly deliver lessons. In addition, Pre-service EFL teachers were found to try to attract students to study, give training and homework, teach all the contents of the syllabus or textbook and conduct tests after teaching a topic. It is in line with the research result who found that students view that Pre-service EFL teachers practice quality teaching through practices (Altan, M.Z., 2012). It is such as explaining important concepts using simple, knowledgeable, always open-minded ways for consultation, giving immediate feedback on student progress, stimulating interest students to learn the subject, eager to teach, always helping students, and using effective teaching techniques. The quality of teaching will produce excellent teaching and have a positive impact on students (Hanushek, E.A., 2011).

**Table 2.** Pre-Service EFL Teachers' Teaching Implementation

Indicator	Statements	Frequency and Percentage				Range	Interpretation
		SD	D	A	SA		
Teaching Level Quality	S1 - S13	57 (5.76%)	128 (12.95)	290 (29.35)	513 (51.92)	3.39	Medium-High
Teaching level Appropriateness	S14 - S17	17 (5.68%)	46 (15.38%)	92 (30.76)	144 (48.16)	3.31	Medium-High
Motivation and Reward	S18 - S22	34 (8.71%)	70 (17.94%)	126 (32.30%)	160 (41.02%)	3.22	Medium-High
Teaching Time Management	S23 - S25	9 (3.94%)	23 (10.08%)	70 (30.70%)	126 (55.26%)	3.48	Medium-High



**Figure 1.** Pre-Service EFL Teachers' Teaching Implementation



Table 2 displays the data analysis for the teaching level appropriateness, which obtained an overall mean value of 3.31. Item S17 recorded the highest mean score with a mean value of 3.33, where 82.9% of students agreed that the Pre-service EFL teachers ensure that students can master the basic skills found in the topics taught. Item S16 recorded a mean score of 2.96, thus making this item the item with the lowest mean value for teaching level construction. 68.4% of the students agreed that the Pre-service EFL teachers formed groups of students based on their abilities and mastery of a particular skill.

In the context of teaching level appropriateness, Pre-service EFL teachers demonstrate practice at a moderately high level. It means that the Pre-service EFL teachers tend to teach according to students' ability level, group students based on ability and mastery in a skill, ensure students can master the basic skills found in the topics taught and have the latest knowledge on teaching content. These findings are consistent with the study of Harris and Hofer [36] who agreed that teachers know the uses of each teaching method varies, possess pedagogical knowledge and use it according to the appropriate level of student needs. However, the findings of this study contradict the findings of Noom-Ura (Noom-Ura, S., 2013) found that the majority of teacher respondents in his study did not focus on six levels of thinking in preparing low or high-level questions. Besides, teachers did not plan and prepare questions for students according to low level of thinking to high, referring to existing questions in the exercise book alone.

The findings showed through Table 2 that the motivation and reward have the lowest overall mean value compared to the other variable items (mean = 3.22). The highest mean score in this construct was item S21 (mean = 3.39), where 85.5% of the students agreed that the Pre-service EFL teachers encouraged them to study hard. However, in item S20 (mean = 2.51), the Pre-service EFL teachers fine students who are lazy to learn is at a moderately low level of agreement and is the lowest item for incentive construct.

From motivation and reward, this practice was the least focused practice by Pre-service EFL teachers compared to the other three effective teaching practices. However, this practice is still at a moderately high level. Students agreed that their teachers practised positive reinforcement such as giving praise and rewards to students who worked hard and negative reinforcement such as fining lazy students to work as an incentive in their teaching. These findings are in line with Atici's (Atici, M., 2007) study that teachers practice positive reinforcement practices in teaching by rewarding students if they learn well. The findings of item C19 also indicate that teachers provide incentives in the form of positive reinforcement to motivate students, as suggested by Diedrich (Diedrich, J.L., 2010).

Based on Table 2, the mean score analysis for the teaching time items showed the highest mean scores compared to the other independent variables (mean = 3.48, moderately high level). Item S23 has the highest mean value (mean = 3.43) when almost all respondents, namely 84.2% of students, agreed that the Pre-service EFL teachers allocate full time to teach. Item S25 (mean = 3.30) recorded the lowest mean value for the teaching time item, which is a total of 84.2% of students agreed that the Pre-service EFL teachers came into the classroom to teach on time. Findings show that Pre-service EFL teachers tend to use full teaching time well when teaching, have good teaching time management skills and give students enough time to complete assigned assignments. These findings are in line with Khan et al (Khan, H.M.A et al. 2016), who showed a significant relationship between teacher time management on student performance. Teachers make full use of the time allocated to teach, give sufficient time to complete training, plan the use of time appropriate to the teaching to be delivered to students, and strategically divide time into teaching and learning activities.



## V. Conclusion

This study has identified the level of effective teaching practice of Pre-service EFL teachers based on the Slavin Model from students' perspective. Findings show that the level of the four constructs of effective teaching practice in the Slavin Model, namely teaching quality, appropriateness of teaching level, incentives, and time management of Pre-service EFL teachers are at a moderately high level. It can be concluded that the Pre-service EFL teachers who are the sample of this study tend to manage teaching time effectively, use positive and negative reinforcement methods to motivate students and skilled in using various teaching methods and approaches that are quality and appropriate to the level of students. The implication is that students' perspectives on teachers' teaching practices need to be taken into account and can be used as one of the benchmarks of teacher effectiveness compared to other benchmarks because students' perspectives of teaching delivery need to be emphasized. This study has limitations in terms of the study sample, where this study only involved students of Private Junior High School in East Medan, in, are moderately high. It is suggested that similar studies be conducted in a more extensive scope and context

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## Legal Assurance of Investor Dispute Settlement with Indigenous Law Communities in Legal Pluralism Perspective

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### Abstract

*With the enactment of Law Number 11 of 2020 concerning Job Creation, it has become a positive turning point in the Government's efforts to increase the number and value of investment in Indonesia while at the same time responding to challenges according to current developments with the method of resolving investment disputes by prioritizing deliberation and consensus up to the court mechanism. The purpose of this legal research is to analyze the legal certainty regarding the settlement of disputes between investors and indigenous peoples and to analyze the policies taken by the Government and Regional Governments in the context of resolving disputes in the perspective of legal pluralism. The research method used in this research is the normative legal method. According to the author, this is needed in order to provide guarantees for the basis of legal certainty, namely legal certainty and strengthening as well as the presence of the State in providing policy directions, commitments and joint responsibilities of the Government, Regional Governments in supporting and carrying out the process of forming laws and regulations that are in harmony and balance so that ensure the existence of public law and order in providing legal certainty in investing for investors, the community and the Government as well as the Regional Government in the context of improving regional economic development and community welfare in a fair and equitable manner.*

### Keywords

law; dispute resolution; infestation; investors; and the indigenous law community



## I. Introduction

Regulations regarding the existence and rights of indigenous peoples in Indonesia are contained in the 1945 Constitution of the Republic of Indonesia (hereinafter abbreviated as UUD NRI 1945), which shows that the existence and rights of indigenous peoples have been accepted within the legal framework applicable in Indonesia. The development of laws surrounding customary law communities is still a central legal issue in the regulation of legislation in Indonesia. An important point in the regulation that intersects with customary law still requires alternative legal solutions to the problems of disharmony in laws and regulations, legal ambiguity and legal vacuum regarding the recognition, existence and rights of indigenous peoples in Indonesia which are still constrained by policies by the Government in the preparation of the Draft Law. -Act as an effort to protect the law for indigenous peoples in the region.

Various regulations ranging from the 1945 Constitution of the Republic of Indonesia to regulations at the regional level, still regulate abstractly related to the existence of indigenous peoples as regulated in Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia, among others (a) as long as they are still alive, (b) in accordance with community developments. (c) The principle of the unitary state of the Republic of

Indonesia and (d) regulated in law. These characteristics do not concretely describe the main legal issues regarding legal protection and certainty as referred to in letter d, because there is no clear and firm legal umbrella for the Law on Indigenous Peoples Law, which is still in the form of a Draft Law.

On the other hand, in the plurality of laws in Indonesia, there are three applicable laws, namely customary law, Islamic law and Western law inherited from the Dutch. These three laws from the beginning lived in the reality of Indonesian people's life. The development of national law is still in progress, so that legal plurality in Indonesia is a condition that is a consequence of the legal choices of people who have different and very plural cultures, ethnicities, customs, and religions. This condition creates a choice of legal norms to be used in addition to the national law established by the state. His philosophy is to find and obtain a legal order that is most suitable, ideal and provides essential justice for society. By placing the laws of society as a complement to state law, it presents a great opportunity for the country to respond and answer the dynamics of society quickly, to realize a progressive law and responsive.

One of the dynamics of law developed today is setting policies through Omnibus Law against the existence of laws and regulations in Indonesia in the investment sector. The legal strengthening applies to the application of local community legal habits, both those that are managed traditionally or by custom or those managed based on the prevailing laws and regulations. As it is known that Indonesia has its own customs and culture, which gives an impact on geographical indications in terms of control and management of the territory both individually and communally. This is shown in the context of the Government's and Regional Government's efforts to contribute and facilitate business licenses in the form of investment in in order to advance development in the region so as to create a positive image impact, but on the other hand in practice there are often disputes between two or more parties arising from activities that have the potential and/or impact on the environment so that it hampers and causes negative side impacts for the advancement of development. In the regions, among others first, the problem of overlapping control/ownership and the problem of overlapping the use/designation of land.

In general, land disputes that occur as a result of overlapping land uses are related to government policies in land use, namely utilization that is not in accordance with the spatial plan. On the other hand, the existence of land ownership in Indonesia is also often a problem. In land law in Indonesia, proof of land ownership is the existence of a certificate. Certificates are strong evidence for land ownership but are not absolute evidence. Uniquely, in Indonesia, apart from the existence of a certificate, the existence of customary property rights is still recognized. In practice, the existence of certificates and customary property rights often overlaps and problems occur in court. To minimize this, legal solutions are needed in order to provide added value in encouraging investment and economic development in the regions that are in line with the demands of community development.

Land disputes and conflicts are complex and multidimensional problems. Therefore, efforts to prevent, handle and resolve must take into account various aspects, both legal and non-legal. Often the handling and resolution of land disputes and conflicts is faced with dilemmas between different interests that are equally important. Finding a balance or win-win solution for conflicts that already occur clearly requires effort that is not easy. Legislation that applies to land acquisition does not accommodate the paradigm of community development that is just, prosperous, and prosperous. The discrepancies between the forms of policy regulation often lead to disputes or conflicts. (Isnaini et al, 2020)

This legal impact has consequences in decision-making by the Government and Regional Governments so that alignment and conformity with the provisions of laws and regulations are needed so that they can provide solutions and answers in addressing legal issues regarding investment dispute resolution through a legal pluralism concept approach. In the area of legal pluralism there is state law on the one hand and on the other hand is the law of the people, one of the customary laws. In simple terms, legal pluralism exists as a critique of centralism and positivism in the application of law to the people. On the other hand, the existence of investment involving land acquisition for the public interest related to customary land disputes raises the possibility that there is a method of resolving investment disputes based on customary law. Based on the description above, the authors are interested in raising the title of legal research with the title: "legal assurance of investor dispute settlement with indigenous law communities in legal pluralism perspective"

## **II. Review of Literature**

### **2.1. Definition of Indigenous Law Community**

The definition of Indigenous Law Communities based on Law Number 11 of 2020 concerning Job Creation which regulates the limits of the same definition regarding "Customary Law Community" is contained in Article 1 number 33 of Law Number 27 of 2007 concerning Management of Coastal Areas and Islands Small, which states that "Customary Law Community is a group of people who have lived in certain geographical areas for generations in the Unitary State of the Republic of Indonesia because of ties to ancestral origins, strong relationships with land, territory, natural resources, and have government institutions. Customary law and the customary law order in its customary territory in accordance with the provisions of the legislation."

### **2.2. Definition of Dispute**

The term dispute resolution comes from English, namely dispute resolution. Richard L. Abel defines disputes: "a public statement regarding an inconsistent claim for something of value". The pattern of dispute resolution is a form or framework for ending disputes or disputes that occur between the parties. The pattern of dispute resolution can be divided into two types, namely through: 1) courts, and 2) alternative dispute resolution (ADR)[14]

### **2.3. Understanding Investors**

The term investment is a popular term in the business world, while the term investment is commonly used in legislation. However, basically the two terms have the same meaning, so they are sometimes used interchangeably. Investment has a broader meaning because it can include both direct investment and indirect (investment portfolio investment). direct investment.

### **2.4. Definition of Legal Pluralism**

According to John Griffiths suggests the concept of legal pluralism weak (weak pluralism) and a strong legal pluralism (strong pluralism). Legal pluralism is referred to as weak legal pluralism when the state recognizes the presence of elements of other legal systems outside of state law, but these non-state legal systems are subject to enforcement under state law. Meanwhile, strong legal pluralism exists when the state recognizes the existence of non-state law and the legal system has the same enforcement capacity as state law. Based on this context, customary law and state law have different binding powers, which are constitutionally the same but there are differences in their forms and aspects.



### **III. Research Methods**

In legal research activities there are several elements used by the author, namely the problem approach is the process of solving or solving problems through predetermined stages so as to achieve research objectives. To discuss the problems contained in this research proposal, the author uses a statute approach approach. The type of legal research used is normative legal research, focusing on legal issues regarding legal certainty in resolving investor disputes with the legal community in the perspective of legal pluralism.

### **IV. Results and Discussion**

#### **4.1. Legal Analysis Based on Statutory Regulations on the Values of Legal Certainty in Resolving Investor Disputes with Indigenous Peoples in the Region**

One of the main sources of economic growth in Indonesia is the existence of investment or investment activities. What is regulated in investment is the relationship between the investor and the recipient of capital. The relationship between investors and recipients of capital is very close where investors as owners of money/capital will invest in countries receiving capital, and countries receiving capital must be able to provide legal certainty, legal protection and a sense of security for investors in building their businesses.

Efforts that need to be maintained by the Government and Regional Governments with investors who invest in Indonesia certainly hope that their investments can be carried out properly and achieve goals in order to increase national economic growth, increase employment, to improve people's welfare with the principle of not causing disturbances, both from the government and from the surrounding community, and vice versa the Government must provide the same legal protection to the community or customary law communities in the region. However, it is possible that the business carried out will actually cause problems, especially with the community, especially the customary law community. For example, the existence of investment involving land acquisition for the public interest related to customary land disputes raises the possibility that there is a method of resolving investment disputes based on customary law.

Based on this, an explicit approach to resolving problems or disputes between investors and indigenous peoples needs to be resolved in detail by consensus or through legal channels, considering that Law Number 25 of 2007 concerning Investment only regulates between the Government and the Investors, and does not specifically contain the settlement of investor disputes with indigenous peoples. The legal space for the answers to the analysis above can be seen from the perspective of dispute resolution based on the laws and regulations below:

#### **Law Number 11 of 2020 Concerning Job Creation**

In general, Law Number 11 of 2020 concerning Job Creation, which regulates investment and dispute resolution between investors and customary law communities which focuses on legal objects in the form of "land" only contains provisions in one Article from the amendment of several articles in Article 8 paragraph (1) to paragraph (4) of Law Number 2 of 2012 concerning Land Procurement for Development in the Public Interest which states that:

- Paragraph (1)     The entitled party and the party controlling the object Land acquisition for the public interest must comply with the provisions of this Law.
- Paragraph (2)     In the case of a Land Procurement plan, there are Land procurement objects that are included in the forest area, village treasury land, waqf



- land, ulayat land/customary land, and/or land assets of the Central government, Regional Government, State-Owned Enterprises, or Regional Owned Enterprises, the settlement of the land status must be carried out until the determination of the location.
- Paragraph (3) Settlement of changes to forest area as referred to in paragraph (2) shall be carried out through the mechanism for releasing forest area in accordance with the provisions of laws and regulations in the forestry sector.
- Paragraph (4) Changes in the object of Land Procurement that are included in the forest area as referred to in paragraph (2) especially for priority projects of the Central Government are carried out through the following mechanisms:
- a. The release of forest area in the case of land acquisition is carried out by the Agency; or
  - b. The release of forest area or borrow-to-use forest area in land acquisition is carried out by the private sector.

The dispute resolution above is mentioned in detail because it involves the Central Government to the Regional Government in efforts to handle dispute resolution. This is then returned again in accordance with the domains, duties and functions and authorities of each field which are the affairs of the Government and Regional Government as stated in several formulations as follows:

1. for the field of environmental management and protection, Article 63 paragraph (1) letter q of Law Number 32 of 2009 concerning Environmental Protection and Management as amended by Law Number 11 of 2020 concerning Job Creation, states that "In the protection and environmental management, the Central Government has the duty and authority to coordinate and facilitate cooperation and settlement of inter-regional disputes as well as dispute resolution; Whereas in Article 2 letter k of Law Number 32 of 2009 concerning Environmental Protection and Management as amended by Law Number 11 of 2020 concerning Job Creation, it is stated that "In environmental protection and management, the Government is in accordance with norms, standards and standards. , procedures and criteria set by the Central Government have the duty and authority to coordinate and facilitate cooperation and dispute resolution between districts/cities as well as dispute resolution". Article 3 letter h of Law Number 32 of 2009 concerning Environmental Protection and Management as amended by Law Number 11 of 2020 concerning Job Creation, states that "in the protection and management of the environment, Regency/City Governments are in accordance with the norms, the standards, procedures and criteria set by the Central Government have the duty and authority to "facilitate dispute resolution".
2. For the field of Investment in Article 25 paragraph (4) of Law Number 25 of 2007 concerning Investment as amended by Law Number 11 of 2020 concerning Job Creation, it is stated that "Investment companies that will carry out business activities are required to fulfill business licenses. from the Central Government and Regional Governments in accordance with their respective authorities based on the norms, standards, procedures and criteria set by the Central Government". If this is correlated with business licensing, there are two regulatory concepts carried out by the Central Government, first related to land acquisition and business licensing for national strategic projects regulated in Government Regulations as referred to in Article 173 paragraph (5) of Law Number 39 of 2009 concerning Special Economic Zones, and secondly, the problem of the agreement of the parties with the principle that the party

who controls state land in good faith in the form of compensation in principle must be submitted directly to the party entitled to compensation to the owner of the land that was previously owned by adat or the legal community.

The affirmation of the limitations and regulations above is still in line with the provisions in Article 3 of the Basic Agrarian Law, stating that "in view of the provisions of Article 1 and Article 2, the implementation of ulayat rights and similar rights of customary law communities, as long as the reality is still must be in such a way that it is in accordance with national and state interests, which are based on national unity and must not conflict with other higher laws and regulations.

Because basically, the conception of legal pluralism requires a diversity approach in law because the diversity of the context of plurality of society in the form of ethnicity, culture, race, religion, class, and gender in the territory of Indonesia is different. As a limitation, the conception of legal pluralism asserts that society has its own legal way that is in accordance with their sense of justice and their needs in regulating their social relations, so that legal pluralism is different from the legal hierarchy approach that is characteristic of legal positivism and legal centralism. Legal pluralism views that all laws are the same and must be applied equally.

The important thing in an effort to analyze the law based on statutory regulations on the values of legal certainty in resolving investor disputes with indigenous peoples in the region is the placement of problem solving based on Pancasila as the source of all sources of state law in accordance with the Preamble to the 1945 Constitution of the Republic of Indonesia, paragraph Fourth, namely Belief in One Supreme God, just and civilized humanity, Indonesian Unity, Democracy led by wisdom in Deliberation/Representation, and social justice for all Indonesian people. Because basically the national legal system is the law that applies in Indonesia with all its elements that support each other in order to anticipate and overcome problems that arise in the life of society, nation and state based on Pancasila and the 1945 Constitution of the Republic of Indonesia.

#### **4.2 Policies that Need to be Taken By the Government and Local Governments in an Effort to Resolve Disputes Between Investors and Indigenous Peoples in the Concept of Legal Pluralism According to Customary Law**

Indonesia is a developing country that still requires investment to achieve sustainable economic growth. The term investment comes from the Latin, namely investire (to use), while in English it is called investment, which is placing money or funds in the hope of obtaining a certain profit on the money or funds. For sustainability, a conducive investment climate is needed. According to Strun, the investment climate is all policies, institutions and the environment, both ongoing and expected to occur in the future which are expected to occur in the future that can affect the level of risk taking of an investment.[27]

In developments since the enactment of Law Number 11 of 2020 concerning Copyrights, there have been many different perceptions between the Government and indigenous peoples in providing services and access to investment facilities for business actors. In its 2020 Final Notes Report, the Alliance of Indigenous Law Communities in its closing provisions explained that:[28]

“The year 2020 finally ended without significant progress in the process of recognizing and protecting the constitutional rights of Indigenous Peoples. Not only has recognition been left trapped in a process that has long been sectoral, overlapping, and convoluted, the various policies that were born in 2020 even pose a more serious threat to the survival of Indigenous Peoples and the environment through the Minerba and CILAKA Laws. The year 2020 is also the year when

arrogant powers without shame show actions of confiscation of customary territories, criminalization and violence against Indigenous Peoples in the midst of the pandemic *Covid-19*.”

If referring to the report above is a point of view that needs to be respected, but every legal opinion needs to be guided by the law of positivism or positive law in Indonesia which is based on Pancasila, then Indonesia as a state of law provides legal certainty and protection for the parties, including in the settlement efforts. Disputes between investors and indigenous peoples. In Law Number 11 of 2020 concerning Job Creation, the Government and Regional Governments have carried out their obligations in coordinating and facilitating dispute resolution, it's just a matter of how the settlement efforts can be implemented and carried out by consensus or mediation to legal channels without harming the parties (*win-win solutions*). One of the policies adopted in addition to the use of positive law is the settlement of customary law which of course upholds the principles and values of Pancasila and the 1945 Constitution of the Republic of Indonesia, as legal pluralism values that need to be adhered to jointly by investors and indigenous peoples in the region. The balance between customary law and positive law cannot be implemented if it has not been contained in the form of a policy formulation that regulates the scope of dispute resolution. This is carried out in order to fill the legal vacuum in dispute resolution that has not been technically regulated in the laws and regulations in Indonesia because it is only limited to resolving disputes between the Government and Investors as regulated in Law Number 25 of 2007 concerning Investment as amended by Law -Law Number 11 of 2020 concerning Job Creation.

Based on data, the customary area that has received legal product recognition at the regional level reaches 5,175 hectares with the details: the customary area that has been established through Regional Regulations reaches 1.157 million hectares and there are 4,018 million hectares that have been regulated through the customary community regulation. From this data, the Government has just established customary forests with a total area of 56,903 hectares which was achieved in 5 years, with the number of decrees issued as many as 75 Customary Forest Decrees. These figures show that the average annual customary forest designation is only 11,380 hectares. A very low achievement with this low speed, it will take 591 years to determine the customary forest that has been indicated. Of the 75 customary forest units that have been established, 47 units or almost 65% are customary forests which are partly or wholly outside the forest area (APL). Although in general, customary forests located in forest areas are wider, reaching 54,986.83 hectares or reaching 96%. [30]

If the data is correlated with the National Documentation and Information Network related to the types of dispute resolution documents between Investors and Indigenous Peoples, there are no arrangements regarding the dispute resolution. So to answer these problems, in order to protect indigenous peoples from bad access and support the investment climate in the era of the Asean Economic Community (MEA) which results in higher welfare, the State must provide legal protection to indigenous peoples, namely:

- ✓ *First, the ratification* of the constitution for the Recognition and Protection of Indigenous Peoples in Indonesia, where this is evidenced by the Constitutional Court Decision Number 35/PUU-X/2012 concerning the Review of Law Number 41 of 1999 concerning Forestry which provides indications for all Regional Governments to seek protection and development of customary forests and the rights of customary forest communities to be managed by indigenous peoples wisely and responsibly in accordance with the provisions of laws and regulations; [31]
- ✓ *second*, to encourage the Government to identify the recognition of customary law

communities and maps of customary territories confirmed by Regional Regulations and registered with the National Land Agency. In addition, the State is also obliged to provide awareness to indigenous peoples to register their customary rights with the National Land Agency;

- ✓ *third*, placing indigenous peoples as the subject of development by applying free, prior and informed consent, regulating it in the constitutional nomenclature, and increasing the government's role as a mediator and facilitator between indigenous peoples and investors[32];
- ✓ *fourth*, the efforts of the Government and Regional Governments to increase investment in various fields should continue to pay attention to the recognition and respect for customary law community units and their rights including rights to customary lands; and
- ✓ *Fifth*, is law enforcement by law enforcement officers including judges in court proceedings in realizing legal certainty and legal justice as well as meeting legal needs and presenting substantive justice for the community.

Based on this, the Government has a role in fostering, regulating and supervising efforts to provide services to the community, so that the desired goals in efforts to reduce conflict or create agreements in community life can take into account the role and status [33] in an effort to establish policies which are decisions government. Because it is the government that has the authority or power to direct the community and is responsible for serving the public interest, and on the other hand that the essence of resolving disputes over customary land rights or customary land with customary law can be resolved through positive law mechanisms and customary law mechanisms.[34]

On the other hand, it is good to formulate policies that will later be determined by the Government and Regional Governments, it is necessary to involve the participation of the community accompanied by legal awareness of each party in efforts to resolve disputes between Investors and the Indigenous Law Community guided by the provisions of laws and regulations and the importance of building shared commitment is the key to the success of the community legal pluralism approach in various investment fields with an approach to legislation and a historical approach as well as a sociological approach to the community based on consensus deliberation and legal mediation in order to create justice and legal certainty in the investment sector with the principle of upholding values. the values of customs and laws that apply based on Pancasila and the 1945 Constitution of the Republic of Indonesia as a form of positive legal pluralism in Indonesia.

## V. Conclusion

1. Legal certainty in dispute resolution efforts from the perspective of legal pluralism which is examined from the aspect of the analysis of legislation is a shared part and responsibility between the Government, Regional Governments in supporting and organizing the process of establishing regional legal products as the basis for legal protection and certainty as well as the implementation process and mechanism. granting business permits in accordance with the designation of national strategic programs and economic development at the center and regions and in its implementation it is hoped that it will be right on target in the process of administering the customary rights of the Customary Law Community Units over land in its territory as long as in reality it still exists and is carried out by the Customary Law Community Unit which concerned according to the provisions of local customary law by referring to the provisions of the legislation.

2. The policy direction in an effort to resolve disputes between investors and indigenous peoples in the concept of legal pluralism according to customary law can be done *first*, establishing regulations for the formation of regional legal products as an effort to resolve disputes between investors and customary law communities by prioritizing legal needs and local wisdom that applies in the community. and local indigenous peoples by referring to the applicable laws and regulations in order to fill the legal vacuum, *secondly*, making policies and decisions that take sides fairly and equitably for the parties, and law enforcement that is responsive and has real implementation in dispute resolution through deliberation and consensus. or legal channels by law enforcement officers based on justice, expediency, legal certainty based on Pancasila and the 1945 Constitution of the Republic of Indonesia.

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## Electronic Criminal Case Trial from the Perspective of Justice and Legal Certainty

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### Abstract

*The Covid-19 pandemic that hit Indonesia has caused major changes in the legal world. The enactment of social distancing/physical distancing rules and Large-Scale Social Restrictions (PSBB) ultimately forced the Supreme Court to make a legal breakthrough by issuing PERMA No. 4 of 2020 concerning the Administration and Trial of Criminal Cases in Courts Electronically, the purpose of which is to fill the legal vacuum in the Criminal Procedure Code and guarantee the right of the accused to immediately obtain legal certainty for the crime he is accused of through trial without undue delay, with fair treatment and impartiality (fair trial), which is a guarantee for the protection of the rights of everyone in the judicial process. PERMA No. 4 of 2020 concerning the Administration and Trial of Criminal Cases in Courts Electronically guarantees a fair and impartial electronic trial that meets the principles of justice and legal certainty, by clearly stipulating the rights of defendants in electronic criminal case trials, namely the right to obtain legal assistance, the right to defend, the right to be tried in a court session which is open to the public, and the right to immediately receive an examination in court for legal certainty. Then to fill the legal vacuum in the Criminal Procedure Code, and in the future, electronic criminal case trials must be strictly regulated to become the new norm in the revision of the Criminal Procedure Code.*

### Keywords

covid-19 pandemic; perma No. 4 of 2020 concerning administration; trial of criminal cases in courts electronically; legal justice; legal certainty



### I. Introduction

COVID-19 is a global health problem including Indonesia. This was initiated from the information of the World Health Organization (WHO) on 31 December 2019 there was a case of a cluster of pneumonia with a new etiology in Wuhan City, Hubei Province, China and later expanded beyond China. On 30 January 2020, COVID-19 was set to become the public health Emergency of International Concern (PHEIC). On 11 March 2020, COVID-19 was designated as a pandemic. (Susilawati et al, 2020)

The Emergence of CoronaVirus Disease sudden(Covid-19) in the city of Wuhan, Hubei Province, China in December 2019, has now become a disease outbreak that has spread and infected millions of people in various countries including Indonesia. Various attempts have been made by the Government of Indonesia to break the chain of Covid-19, among other things, determine the status of a particular state of disaster emergency epidemic from coronavirus, implementing policies social distancing/physical distancing and the implementation of Large-Scale Social Restrictions (PSBB). The implementation of these rules and policies during the Covid-19 pandemic has not only had a major impact on social and economic life in the community, but has also hampered the law enforcement process in courts, which had to be postponed. The occurrence of a catastrophic disease outbreak due to Covid-19 and the rapid development of information and communication



technology in the era of the Industrial Revolution 4.0 at this time, of course, had never been realized and thought of by the compilers/makers of the Criminal Procedure Code (KUHP) at that time. Thus, when law enforcement activities in court had to be delayed due to the enactment of social distancing/physical distancingPSBB rules or, the Criminal Procedure Code was unable to provide an alternative solution for the smooth running of the trial in this situation because there was a legal vacuum in it.

As a solution to these problems, on March 23, 2020, the Supreme Court of the Republic of Indonesia issued a Circular Letter of the Supreme Court of the Republic of Indonesia Number 1 of 2020 concerning Guidelines for the Implementation of Duties During the Prevention of the Spread of CoronaVirus Disease 2019 (COVID-19) within the Supreme Court of the Republic of Indonesia. and the Judicial Body Under it as last modified by SEMA No. 6 of 2020 concerning the Working System of the Supreme Court and Judicial Bodies Under the New Normal Order, which was followed up by the Letter of the Director General of the General Court of Justice at the Supreme Court of the RepublicIndonesia Number: 379/DJU/PS.00/3/2020 dated 27 March 2020 regardingCriminal Case Trials Teleconference addressed to the Heads of High Courts and Heads of District Courts throughout Indonesia, the contents of which are to say that during the emergency period of the disease outbreak due to the coronavirus, criminal case trials can be conducted remotely or by teleconference. What was done by the Supreme Court was then responded by the Attorney General of the Republic of Indonesia by issuing the Instruction of the Attorney General of the Republic of Indonesia Number 5 of 2020 concerning Policies for the Implementation of Duties and Handling of Cases During the Prevention of the Spread of Covid-19 in the Attorney General's Office of the Republic of Indonesia on March 23, 2020,who instructed the Head of the High Prosecutor's Office, the District Attorney's Office, and the Head of the District Attorney's Office throughout Indonesia to optimize the settlement of cases by developing the use of facilities teleconference during the trial, which was then followed up by the Attorney General's Letter Number: B-049/A/SUJA/03 /2020 dated March 27, 2020 regarding Optimizing the Implementation of Duties, Functions, and Authorities Amid Efforts to Prevent the Spread of Covid-19[10] addressed to the Heads of the High Prosecutor's Office throughout Indonesia, one of which conveys to all Prosecutors to seek criminal case trials through means of video conference / live streaming dal The implementation is coordinated together with the Head of the District Court and the Head of the Detention Center / Prison.

Furthermore, as a form of shared commitment in supporting law enforcement in courts during the Covid-19 pandemic, on April 13, 2020, the Indonesian Supreme Court, the Indonesian Attorney General's Office, and the Indonesian Ministry of Law and Human Rights signed a Cooperation Agreement Number: 402/ DJU/HM.01.1/04/2020; KEP-17/E/Ejp/04/2020; PAS-08.HH.05.05 of 2020 concerning the Implementation of Trials Through Teleconference. The purpose of the cooperation agreement is to achieve optimization, effectiveness, efficiency, and security in carrying out the duties and functions of the parties related to the implementation of trial activities via teleconference.

The trial of criminal cases by teleconference during the Covid-19 pandemic which was carried out only based on the Letter of the Director General of the General Court of Justice at the Supreme Court of the Republic of Indonesia Number: 379/DJU/PS.00/3/2020 and the Letter of the Attorney General of the Republic of Indonesia Number: B -049/A/SUJA/03/2020 turned out to be pro and contra, there are some parties who support and consider it a positive breakthrough to ensure legal certainty, which is done by prioritizing the safety of law enforcement officers and the people involved in it from the transmission of Covid-19 19, in accordance with the principle of *salus populi*

suprema lex esto (people's safety is the highest law for a country), but there are those who criticize it on the grounds that the Criminal Procedure Code does not regulate it. The Secretary General of the National Leadership Council of the Indonesian Advocates Association (Peradi), Advocate Sugeng Teguh Santoso condemned the trial of criminal cases conducted by teleconference. According to Sugeng, criminal cases are not allowed to be tried by teleconference, because in addition to violating the rules in the trial procedures regulated in the Criminal Procedure Code, the implementation of trials online is also very prone to being manipulated or cannot be legally accounted for. In line with Sugeng's opinion, Advocate Juniver Girsang also firmly said "As long as there are provisions in the Criminal Procedure Code, (trials online) is a violation".

In response to these problems, the Supreme Court as a high state institution holding judicial power, which has the authority to further regulate matters needed for the smooth running of the judiciary if there are matters that have not been sufficiently regulated by law, on the date of September 25, 2020 made a legal breakthrough by stipulating Supreme Court Regulation Number 4 of 2020 concerning the Administration and Trial of Criminal Cases in Courts Electronically.

Regulation of the Supreme Court or PERMA is basically a form of regulation that contains provisions of a procedural law. Perma is a written regulation as a complement to fill legal deficiencies or vacancies in procedural law for the smooth administration of justice, and based on the provisions of Article 8 paragraph (1) UU no. 12 of 2011 concerning the Establishment of Legislation, the Supreme Court Regulation is recognized for its existence and has binding legal force as long as it is ordered by a higher statutory regulation or is formed based on authority.

If you pay attention to the provisions of Article 2 paragraph (2) of Perma No. 4 of 2020 basically stipulates that in certain circumstances the trial can be conducted electronically. Then it is mentioned in the provisions of Article 11 paragraphs (1) and (2), although the trial is conducted electronically, the examination of witnesses and/or experts is carried out in the courtroom with the procedure of examination based on the provisions of the Procedural Law. Likewise, the provisions of Article 13 paragraph (1) stipulate that the examination of the Defendant is carried out in the courtroom in accordance with the provisions of the Procedural Law. Textually, the above provisions require "Electronic Trials" for criminal cases to only be carried out in "Certain Circumstances" based on the examination procedures regulated in the provisions of the "Procedural Law" namely the Criminal Procedure Code based on the provisions of Article 284 and Article 285 of the Criminal Procedure Code.

## **II. Research Methods**

This research is a legal research using a statutory approach. The legal materials used are primary, secondary, and tertiary legal materials which are analyzed using analytical descriptive.

### III. Results and Discussion

#### 3.1 Principles of Justice and Legal Certainty in Electronic Criminal Case Trials as regulated in Perma No. 4 of 2020

Talking about justice and legal certainty is of course very closely related to the protection of Human Rights (HAM). It is explained in the Legal Dictionary that Human Rights are rights that humans have because of their birth, not because they are given by society or the state. Therefore, in the rule of law concept proposed by Fredrich Julius Stahl, it is stated that one of the main elements that must be possessed by a rule of law is the recognition and protection of human rights.

Related to "justice" John Rawls argues that justice enforcement programs with a populist dimension must pay attention to the principle of justice, namely giving equal rights and opportunities to the broadest basic freedoms, as wide as the same freedoms for everyone[19]. Meanwhile, according to Gustav Radbruch law is the bearer of the value of justice. Justice is normative because it is to justice that positive law originates, and is constitutive because justice must be an absolute element of law, so without justice, a rule does not deserve to be law.

Referring to Aristotle's view that justice distributive focuses on the distribution, honorarium, wealth, and other goods that are equally obtainable in society, then leaving aside the mathematical "proof" it is clear that what is in Aristotle's mind is the distribution of wealth and valuables. Others based on the prevailing values in society. If it is related to the trial of criminal cases electronically, then what is meant by "other valuables" in this context are rights, namely rights that have been given to defendants in conventional trials as regulated in the Criminal Procedure Code, which should also be distributed in Perma No. 4 of 2020 so that it fulfills the principle of justice. Based on the results of the analysis, the authors argue that Perma No. 4 of 2020 has accommodated the rights of defendants in electronic criminal case trials as the Criminal Procedure Code has regulated them in conventional trials, namely the right to obtain legal assistance [Article 2 paragraph (1)], the right to immediately receive an examination in court for legal certainty [Article 2 paragraph (1)] 2 paragraph (2), Article 4 paragraph (1) and paragraph (2), Article 9 paragraph (2), Article 11 paragraph (3), and Article 16 paragraph (2)], the right to defend [Article 3 paragraph (2)], and the right of the defendant to be tried in a court session which is open to the public [Article 9 paragraph (1), Article 16 paragraph (1), and Article 18]. So it can be concluded that the electronic trial of criminal cases provides a guarantee of a fair and impartial trial, which is a guarantee for the protection of the rights of everyone in the judicial process, thus fulfilling the principle of justice.

Based on the opinions of the legal experts above, if it is related to the trial of criminal cases electronically, then Perma No. 4 of 2020 as a regulation that fills legal voids in the Criminal Procedure Code must be able to contain clear and non-deviating legal rules, which are able to realize legal certainty and guarantee that everyone who is entitled according to law can obtain their rights, because with legal certainty there will be legal certainty create legal justice that is of value to the community and is the desire of justice seekers.

The provisions of Article 2 paragraph (2) of Perma No. 4 of 2020 basically states that in certain circumstances, both from the beginning of the case trial and when the case trial is in progress, the Judge/Judge Council because of their position or at the request of the Prosecutor and/or the Defendant or Legal Advisor may determine the trial to be conducted electronically. This provision implies that the electronic trial is a solution to the settlement

of criminal cases in the Covid-19 pandemic situation to provide legal certainty to the defendant without experiencing an undue trial delay.

### **3.2. Arrangement of Electronic Criminal Case Trials in the Future**

The ups and downs of changes in the hierarchy of laws and regulations in Indonesia can be seen from the history of the development of the existing hierarchy, improvements for improvements continue to be made to realize good regulations. Starting with the birth of Law no. 1 of 1950 concerning the Composition, Power and Way of the Courts of the Supreme Court of Indonesia, and after it was declared that was not applicable the hierarchical rule of laws and regulations, it was contained in MPRS Decree No. XX/MPRS/1996 concerning the DPR-GR Memorandum Regarding the Orderly Sources of Law of the Republic of Indonesia and the Order of the Legislation of the Republic of Indonesia, then republished in MPR Decree No. III/MPR/2000 concerning Sources of Law and Order of Legislation, then replaced by Law Number 10 of 2004 concerning the Establishment of Legislations, and after that it was replaced again with Law Number 12 of 2011 concerning the Establishment of Legislations -Invitation as last amended by Law Number 15 of 2019 concerning Amendments to Law Number 12 of 2011 concerning the Establishment of Legislation. This shows that the hierarchy of laws and regulations is very important for Indonesia as a State of Law in accordance with the mandate of the 1945 Constitution.

Referring to the provisions of Article 7 of Law no. 12 of 2011, as follows:

Paragraph (1) reads:

“Types and hierarchy of laws and regulations consist of:

- a. the 1945 Constitution of the Republic of Indonesia;
- b. Decree of the People's Consultative Assembly;
- c. Laws/Government Regulations in Lieu of Laws;
- d. Government regulations;
- e. Presidential decree;
- f. Provincial Regulations; and
- g. Regency/City Regional Regulations.

Paragraph (2):

“The legal force of the Legislation is in accordance with the hierarchy as referred to in paragraph (1).”

Based on the provisions of Article 7 above, it can be said that the Regulation of the Supreme Court does not have a position in the hierarchy of laws and regulations, but this is then determined otherwise in the formulation of Article 8 which reads:

Paragraph (1), reads:

"Types of Legislation invitations other than those referred to in Article 7 paragraph (1) include regulations stipulated by the People's Consultative Assembly, the People's Representative Council, the Regional Representatives Council, the Supreme Court, the Constitutional Court, the Supreme Audit Agency, the Judicial Commission, Bank Indonesia, the Minister, agencies, institutions, or a commission of the same level established by law or by the Government on the orders of the Act, the Provincial People's Representative Council, the Governor, the Regency/City Regional People's Representative Council, the Regent/Mayor, the Village Head or the equivalent.”

Paragraph (2):

“The statutory regulations as referred to in paragraph (1) are recognized for their existence and have binding legal force as long as they are ordered by a higher statutory regulation or are formed based on authority.”

Based on the provisions of Article 8 above, Perma No. 4 of 2020 becomes a statutory regulation that is recognized for its existence and has binding legal force. Article 1 paragraph (2) of Law no. 12 of 2011 defines statutory regulations as written regulations that contain legally binding norms in general and are established or determined by state institutions or authorized officials through the procedures stipulated in the Legislation.

One of the powers of the Supreme Court as stated in the formulation of Article 24 A Paragraph (1) of the 1945 Constitution is to have other powers granted by law, in this case including making laws and regulations (Perma). The authority of the Supreme Court is also described in the provisions of Article 79 of Law no. 14 of 1985 concerning the Supreme Court in conjunction with Law no. 5 of 2004 in conjunction with Law no. 3 of 2009 which reads:

"The Supreme Court can further regulate matters needed for the smooth administration of justice if there are matters that have not been sufficiently regulated in this law."

Elucidation of Article 79 of Law no. 14 of 1985 concerning the Supreme Court, reads as follows:

"If in the course of the judiciary there is a legal deficiency or vacuum in a matter, the Supreme Court has the authority to make regulations as a complement to fill the gap or vacancy earlier. With this Law, the Supreme Court has the authority to determine the arrangement on how to resolve a problem that has not been or is not regulated in this Law. In this case, the regulations issued by the Supreme Court are distinguished from the regulations drawn up by the legislators. The administration of justice as intended by this Law is only part of the overall procedural law. Thus, the Supreme Court will not interfere with and exceed the regulation of the rights and obligations of citizens in general and will not regulate the nature, strength, means of evidence and assessment or distribution of the burden of proof."

Based on the explanation above, the Supreme Court has the authority to establish laws and regulations called the Supreme Court Regulation (Perma), which is a written regulation as a complement to fill legal deficiencies or vacancies in the procedural law (KUHAP) for the smooth administration of justice, which it admits. Existence and has binding legal force.

Then to see the position of Perma No. 4 of 2020 and the Criminal Procedure Code in the Indonesian legal system, can also be done using the theory of level norms (Stufen Theory) proposed by Hans Kelsen and Hans Nawiasky which requires legal norms to be tiered and multi-level/layered layers in a hierarchy (organization) of laws and regulations. Based on the theory of level norms, the position of Supreme Court Regulation Number 4 of 2020 concerning Administration and Trial of Criminal Cases in Electronic Courts is below or lower than Law Number 8 of 1981 concerning Criminal Procedure Code (KUHAP).

KUHAP adheres to the principle of equality before the law, namely the principle of presumption of innocence, where human rights are respected and upheld. Therefore, the should be accusatoir system applied from the examination to the trial, so that the suspect/defendant is considered a subject who has full rights to defend himself. Thus, it is not allowed to have other rules relating to the implementation of criminal procedural law in

Indonesia that can reduce the rights of the suspect/defendant already in the Criminal Procedure Code.

It is undeniable that the Covid-19 pandemic that has hit Indonesia has had a very large impact on the continuity of the trial of criminal cases in Indonesia. The implementation of social distancing /physical distancing and even Large-Scale Social Restrictions (PSBB) resulted in the trial having to be postponed. This happens because the Criminal Procedure Code is not able to anticipate it, because there is a legal vacuum in it.

As a solution to this problem, the Supreme Court of the Republic of Indonesia made a legal breakthrough by issuing Supreme Court Regulation Number 04 of 2020 concerning Administration and Trial of Criminal Cases in Courts Electronically. On the one hand, it can be said that Perma No. 4 of 2020 is a positive and innovative legal breakthrough for the smooth and continuous trial of criminal cases in Indonesia, but on the other hand, if this regulation is implemented, there will be deviations from the principles of criminal law that apply in Indonesia, namely the principle of *lex superior derogat legi inferiori*.

Then, to determine whether a norm has a higher position than other norms is certainly not a difficult thing because Indonesia as a state of law has a written legal order that is structured hierarchically. In the Indonesian legal system, the types and hierarchy of laws and regulations are regulated in the provisions of Article 7 and Article 8 of Law Number 12 of 2011 concerning the Establishment of Legislation.

If we examine the position of the Supreme Court Regulations in the hierarchy of laws and regulations, with reference to Article 8 paragraphs (1) and (2) of Law no. 12 of 2011 which states that the Supreme Court Regulation is also a type of statutory regulation that is in force and its existence is recognized and has binding legal force as long as it is ordered by a higher statutory regulation or is formed based on its authority.

Based on the description above, it can be concluded that the Perma is a form of statutory regulation that has several characteristics, namely: (1) formed based on the legislative authority of the delegation (2) formed within the scope of the "the "process.rule making rule making" process and not the scope of "law making" (3) is complementary, (4) is formed to fill the "void law or legislation," (5) does not regulate the rights and obligations of citizens, (6) regulates the procedural law of judicial administration.

In the perspective of the hierarchical principle, every statutory regulation has a position in the hierarchy of regulations so that the order of regulations is orderly and if there is a conflict, a material review can be carried out in court. The position of the Perma is not regulated in Law Number 12 of 2011 so that if it conflicts with higher regulations, it will cause problems if it is tested materially. However, before discussing Perma in terms of the principle of hierarchy, there is something that needs to be said first. First, according to the doctrine, there are 2 (two) sources of legislative authority, namely (1) original legislative authority; and (2) derivative legislative powers (delegation powers).[26] The Supreme Court's authority to form the Perma is a derivative authority (delegation authority) because it comes from the legislative body as the owner of the attribution authority (original legislative power). Different sources of authority affect the content and hierarchy of legal products of each organ. Second, the delegation of legislative authority to the Supreme Court is carried out with the intent and purpose of filling a legal vacuum that cannot always be filled by law. To fill the legal vacuum, the DPR needs to delegate its authority to other state organs in order to form laws and regulations of a technical nature such as the Perma.

In the Indonesian constitutional system, there are 2 (two) state organs that are delegated legislative authority to fill the "legal vacuum." The two state organs in question are the President and the Supreme Court. These two state organs are delegated the

authority to form laws and regulations in order to fill legal voids with different functions. The delegation of authority to the President aims to form a Government Regulation (PP) to fill a legal vacuum in the sense of "carrying out the law as it should." The delegation of authority to the Supreme Court aims to form a Supreme Court Regulation (Perma) in order to fill a legal vacuum in the sense of "regulating matters that have not been regulated by law." The difference in the function of these two laws and regulations affects their content. The phrases "implementing the law's orders as they should" and "regulating things that have not been regulated by law" have different perspectives, contexts and objectives. In addition, the phrase "regulating matters that have not been regulated by law" can be understood in a different meaning frame from the context of the existence of the PP. The phrase "regulating matters that have not been regulated by law" implies forming new legal norms so that the purposes and objectives of the law can be implemented. The meaning of the phrase should be linked with the aim of "preventing a legal vacuum." Legislation that functions to "regulate matters that have not been regulated by law" to "prevent a legal vacuum" and "stalemate in the context of judicial practice" is Perma.

In the Criminal Procedure Code, the process of handling criminal cases starting from the stage of investigation, investigation, prosecution, trial to court decisions, must be carried out face-to-face directly in the courtroom. KUHAP does not recognize that the due process of law is conducted electronically. The philosophy of the Criminal Procedure Code in applying legal action for justice (*Pro Justitia Basis*) directly to witnesses, experts, suspects or defendants, because the essence of handling criminal cases from a legal process is to seek the material truth of an event that is suspected of violating criminal provisions. .

Based on the description above, referring to the principle of *lex superior derogat legi inferiori*, it is not permissible for the Perma to reduce or contradict the Criminal Procedure Code in terms of regulating the mechanism for attendance, examination of expert witnesses, and defendants at trial, as well as the pronouncement of judge's decisions. So to create an electronic trial rule that is fair and with legal certainty, it is appropriate for electronic criminal case trials to be regulated in a law, because if referring to Article 10 paragraph (1) of Law Number 12 of 2011 concerning Legislation, content material that must be regulated by law contains: a. further regulation regarding the provisions of the 1945 Constitution of the Republic of Indonesia; b. an order for a Law to be regulated by Law; c. ratification of certain international agreements; d. follow-up on the decision of the Constitutional Court; and/or e. fulfillment of legal needs in society. So based on these provisions, it is not appropriate if the trial of criminal cases electronically is regulated in Perma No. 4 of 2020, because the content material is the fulfillment of legal needs in society which is the content material of the law.

Therefore, in the future, electronic trial of criminal cases must be strictly regulated to become the new norm in the revision of the Criminal Procedure Code (KUHAP), and also to prepare a clear standardization of the implementation of electronic trials as well as protection devices for the parties involved in electronic trial, and easy access for people who want to follow and witness the trial.



## IV. Conclusion

The application of rules social distancing/physical distancing and Large-Scale Social Restrictions (PSBB) poses a dilemma in the legal world because it causes delays in the law enforcement process in court, while the trial of criminal cases demands a quick settlement and it is impossible to delay due to the tight time limit for the defendant's detention. relation to the rights of the accused. As a solution to these problems, on September 25, 2020, the Supreme Court of the Republic of Indonesia issued Supreme Court Regulation Number 4 of 2020 concerning the Administration and Trial of Criminal Cases in Courts Electronically, with the hope of being able to provide guarantees of a fair and impartial trial in trial of criminal cases electronically as the Criminal Procedure Code has regulated it in conventional trials. Thus, the electronic trial of criminal cases provides a guarantee of a fair and impartial trial, which is a guarantee for the protection of the rights of everyone in the judicial process, thus fulfilling the principles of justice and legal certainty. That the electronic trial is also not optimal in realizing the principle of an open trial to the public which is reflected in the provisions of Article 153 paragraph (3) and Article 195 of the Criminal Procedure Code. Although Perma No. 4 of 2020 has regulated the trial that is open to the public as formulated in Article 9 paragraph (1), Article 16 paragraph (1), and Article 18, but in its application it will be difficult for people who want to attend and witness the trial, because they must have IT devices that support and must first get access from the court to be able to enter the broadcast of the electronic trial. So that referring to the principle of *lex superior derogat legi inferiori*, then Perma No. 4 of 2020 has reduced or contradicted the Criminal Procedure Code in terms of regulating the mechanism for the presence, examination of witnesses and defendants at trial, and the pronouncement of judge decisions and in the future the arrangement of these electronic criminal court trials can be regulated in the R-KUHAP.

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## Accentuation of Intrinsic and Extrinsic Motivation Value for Employee Performance Effectiveness

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### Abstract

*The important role of employees or human resources in determining the success of a company is very necessary. Several studies reveal that there is a positive relationship between motivation and employee performance. Some of these studies say that the high working motivation of employees has a relationship that tends to achieve a fairly effective level of employee performance. This Writing Method Using descriptive, a method that aims to describe or provide an overview of the object under study. Motivation is one of the efforts in directing employees to work more optimally in accordance with the wishes of the company. Intrinsic motivation is motivation that comes from within the individual. This motivation results in the integrity of goals, both organizational goals and individual goals, both of which can be satisfied. The mission of employees to one another is a shared responsibility. This needs to be accentuated so that no employee feels that the workload is too heavy or there is no employee who feels he is being exaggerated among other employees. Awards given by the company can trigger individual self-reward, meaning that employees who get more awards from the company can motivate them to work more effectively. Employees who have high motivation to occupy a higher position in the organization are likely to be able to increase work productivity in order to achieve organizational goals and vice versa. By understanding the role played in motivation, a manager will be able to increase the work productivity of his subordinates and can further improve their performance.*

### Keywords

value of intrinsic  
motivation; extrinsic  
motivation; effectiveness of  
employee performance



### I. Introduction

The important role of employees or HR in determining the success of a company is very necessary (Deni, 2018). the activities and participation of employees in the company determine the size of the progress and development of a company, therefore human resources in the development of performance capacity are something that must be emphasized to all employees so that they become effective and efficient employees. Therefore it is necessary to have an extrinsic and intrinsic motivation by the company headed by a manager who is able to mobilize the needs of employees and activate efficiency and effectiveness in the performance process. A manager must be able and able to bring the zone of integrity or intrinsic and extrinsic motivation. Present in the form of values that are given into the policies given to employees, so that there is no conflict or gap between employees and managers (Perwita, 2019). In this case, the company not only expects employees to be able to provide something productive in the company, but they are also expected to be more capable and skilled, and have high intellectual skills, so that they are able to develop and advance the company optimally. The analogy is that when the

employee's performance is maximal, the performance and performance results will automatically find the maximum position (Ahmad et al., 2020).

Several studies reveal that there is a positive relationship between motivation and employee performance. Some of these studies say that the high condition of employee work motivation has a relationship that tends to achieve a fairly effective level of employee performance, in this case, employees who have high motivation will try to do something that is good performance. As much as possible determined by the company because they are involved in the zone of integrity or decision making in which there is a commitment that is built so that employees feel they own the company (Fasocah, 2019).

The company needs to explain and communicate its vision and mission openly to all employees, there is no missing information or secret information that is for the public interest, the company must be able to sort and choose which interests are used for staffing and which interests are to support performance effectiveness (Kadir, 2018). Therefore the company's management should try to involve all employees in determining work goals, specifying how to achieve these work goals will be needed, the company must prepare the final target. However, in this case, of course, skills and values are needed that must be emphasized in the development of a target or mission goal, for example one of the targets that must be met by means of each employee must have differences, among others, the manager's function must be able to direct the target component. achieved by the values and vision and mission of the company (Hanis Najwa Shaharuddin, Ku Fatahiyah Ku Azizan, Wazzainab Ismail, Farah Nur Rashida Rosnan, & Norafidah Gordani, 2015) Meanwhile, to control employee contributions to fully support the goals of the company, training and empowerment are needed employees means that in this case the facilities and employee performance satisfaction must be met first so that they will have high loyalty to the company.

The commitment built by the company is a cyclical commitment that has a special accentuation (Syafaruddin & Rahmanto, 2019). This means that all employee performance is value-oriented, not normative assumptions given by the Manager for free. Therefore, employee performance is always related to numbers. This means that companies must have a special system to measure employee performance which will later support (Putra & Frianto, 2018) trying to motivate employee performance in the company. The company's next task is to activate the commitment zone so that staffing performance will be even more massive. the goal rather than being activated by intrinsic and extrinsic motivation within the company is of course to improve employee performance in addition to improving also maintaining efficiency and effectiveness in performance therefore there is a need for an in-depth study related to accentuation of the rationalization form of intrinsic motivation and extrinsic motivation (Yusa & Rananda, 2019).

## **II. Review of Literature**

### **2.1. Motivation**

In life, motivation has a very important role because motivation is an entity causing, channelling, and supporting human behaviour, so that they want to work hard and enthusiastically to achieve the optimal results. Likewise, in the world of work, motivation plays an important role in achieving the organizational goals. Motivation is important because, by having this motivation, it is expected that each individual of employee is willing to work hard and enthusiastically to achieve high work productivity. Motivation comes from the Latin word "movere" meaning "impulse or driving force". This motivation is given to humans, especially to subordinates. Related to this, what is meant by motivation

is to question how to encourage the enthusiasm of subordinates' work, so that they want to work hard by giving all their abilities and skills to realize organizational goals. Motivation is the whole process of giving encouragement to subordinates to work in such a way so that they want to work with sincerity, and the achievement of efficient and economical organizational goals can be achieved (Siagian, Sondang in Kuswati, 2019).

Motivation factor especially in achievement motivation is one of the things that drives and supports the improvement of the quality of the organization's human resources. Understanding of achievement motivation in individuals can help improve performance both directly and indirectly. Achievement motivation raises hope so that it is able to manage the mindset to create work ethics and values that exist in the organization. (Werdhiastutie, A. et al. 2020)

## 2.2. Relevant Study

Muslih, (2012) in "The title of Analysis of the Effect of Motivation on Job Satisfaction and Employee Performance at PT Sang Hyang Seri (Persero) Regional III Malang" The objectives of this study are; (1) To determine and analyze the effect of intrinsic motivation and extrinsic motivation on employee job satisfaction, (2) To determine and analyze the effect of intrinsic motivation and extrinsic motivation on employee performance, (3) To determine and analyze the effect of job satisfaction on employee performance, (4) To find out and analyze the influence of intrinsic motivation and extrinsic motivation on employee performance through employee job satisfaction. This type of research is explanatory research, while primary data collection is done by distributing questionnaires to all employees at PT Sang Hyang Seri KR III Malang as many as 40 employees. The sampling technique used is the census method. In this case, there are two independent variables analyzed, namely: intrinsic motivation and extrinsic motivation, and one intervening variable, namely job satisfaction. While the dependent variable is employee performance. The data that has been collected is then analyzed using PLS (Partial Least Square) analysis. The results obtained are (1) intrinsic and extrinsic motivation have a significant effect on job satisfaction, (2) intrinsic motivation has no significant effect on employee performance, (3) extrinsic motivation has a significant effect on employee performance, (4) job satisfaction has a significant effect on employee performance, (5) intrinsic motivation has a significant indirect effect on employee performance through job satisfaction, (6) extrinsic motivation has a significant indirect effect on employee performance through job satisfaction.

Antin, Ag Kiflee, Dzulkifli, Obedient, & Talip, (2020) in the title "The Effect of Intrinsic and Extrinsic Work Motivation on the Work Efficiency of Middle School Teachers in Sabah". This study aims to identify whether there is an influence between intrinsic work motivation and extrinsic work motivation on the level of work efficiency of middle school teachers in Sabah. This study uses a quantitative approach and non-experimental design. The study method used is a review method involving a total of 375 high school teachers who are the sample of the study. The sample for this study was selected using an easy random sampling technique. The instrument of inquiry was used to measure the study variables. The Multiple Regression Examination through the Statistical Package for Social Sciences (SPSS) was also used to analyze the raw data of the respondents. The results of the study show that the teacher's intrinsic work motivation (Beta = 0.31), ( $t = 6.76$ ,  $P < 0.05$ ) is a more significant predictor than the teacher's extrinsic work motivation (Beta = 0.29), ( $t = 8.41$ ,  $P < 0.05$ ) on work efficiency. Secondary school teacher in the state of Sabah. The overall effect also shows that work motivation can explain significantly as much as 60 percent of the variance in the dependent variable,



namely teacher work efficiency [ $F(2, 372) = 104.25, P < 0.05$ ]. All variables are positively related. This study is expected to provide new inputs related to aspects of the study which will then be useful for strengthening the teaching profession and the state education system holistically.

Mahardika, Hamid, & Ruhana, (2020) in the title "The Effect of Work Motivation on Employee Performance at PT. Axa Financial Indonesia Sales Office Malang". Intrinsic motivation has a significant effect on employee performance at PT. AXA Financial Indonesia, indicated by a significance value of  $t$  of 0.000 which is smaller than  $D = 0.05$  ( $0.000 < 0.05$ ) with a regression coefficient of 0.514. Extrinsic motivation has a significant effect on employee performance at PT. AXA Financial Indonesia, indicated by a significance value of  $t$  of 0.000 which is smaller than  $D = 0.05$  ( $0.000 < 0.05$ ) with a regression coefficient of 0.475. Intrinsic motivation and extrinsic motivation simultaneously have a significant effect on employee performance at PT. AXA Financial Indonesia, indicated by a significance value of  $F$  of 0.000, smaller than  $D = 0.05$  ( $0.000 < 0.05$ ) and able to contribute to the employee performance variable by 64.3%.

Arief & Afifa, (2020) in the Title of Influence of Leadership Style, Intrinsic Motivation, and Extrinsic Motivation on Employee Work Productivity at PT Tirta Sukses Perkasa Jember. The purpose of this study was to determine the effect of leadership style, intrinsic motivation and extrinsic motivation on the work productivity of PT. Tirta Sukses Perkasa Jember. Sampling technique using sampling technique.

### III. Research Methods

This writing method uses descriptive. Descriptive method according to Sugiyono, (2016) is a method that aims to describe or provide an overview of the object under study through data or samples that have been collected as they are without analyzing and making conclusions that apply to the public. In other words, analytical descriptive research takes problems or focuses on problems as they are when the research is carried out, the results of the research are then processed and analyzed to draw conclusions.

### IV. Results and Discussion

#### 4.1. Employee Motivation and Performance

Motivation is one of the efforts in directing employees to be able to work more optimally in accordance with the wishes of the company. Saydam & Ayutu, (2003) provide an explanation of the objectives of motivation, namely, 1. Improving work performance, 2. Increasing work discipline, 3. Increasing passion and work spirit, 4. Increasing productivity and efficiency, 5. Fostering a sense of loyalty among employees towards the company. , 6. Increase the sense of responsibility, 7. Change the behavior of employees in accordance with the wishes of the company. The extent to which employees are committed to the organization where they work will determine the organization's ability to achieve its goals. Some organizations dare to include the element of commitment as one of the requirements to occupy positions or positions offered in job advertisements, but not infrequently organizational actors still do not understand the meaning of commitment seriously. Motivation is an internal drive that leads an individual to fulfill self and organizational goals (Ahmad et al., 2020)

Arifudin, (2020) argues that organizational commitment is the degree to which an employee sided with a particular organization and its goals, and intends to maintain membership in that organization. Ma'rufi & Anam, (2019) identified organizational

commitment as: 1. The feeling of being part of the organization. 2. Pride in the organization. 3. Concern for the organization. 4. Strong desire to work for the organization. 5. Strong belief in the values of the organization. 6. Great willingness to strive for the organization (Saragih & Simarmata, 2019)

Understanding Employee Performance According to Mangkunaegaran in Tangkilisan, (2005) that performance is the result of work in quality and quantity achieved by an employee in carrying out his duties in accordance with the responsibilities given to him, while according to Hadari (2001) what is meant by performance is the result of the implementation of a job, both physical/mental and non-physical/non-mental. Employee performance is an important aspect in human resource management. Sedarmayanti in Sutanja, (2019) states that performance is a system used to assess and find out whether an employee has carried out his work as a whole, or is a combination of work results (what one must achieve) and competence (how one achieves it). a. Factors Affecting Performance Employee performance is influenced by a number of factors, including Robbins (2008): 1. The basics of individual behavior which include biographical characteristics, abilities and learning. 2. Values, attitudes and job satisfaction. 3. Commitment 4. Individual perception and decision making. 5. Motivation (Reguning, 2017).

#### **4.2. Accentuation of Intrinsic Motivation Value Intrinsic**

Motivation is motivation that comes from within the individual. This motivation results in the integrity of goals, both organizational goals and individual goals, both of which can be satisfied. Meanwhile, according to (Samuel & Septina, 2020) gives the opinion that intrinsic motivation is a work driver that comes from within the worker as an individual, in the form of awareness of the importance of the work carried out that affects employee performance. Hasibuan (2007) in Mohamad Firdaus Ahmad<sup>1\*</sup> et al., (2020) argues that there are several factors of intrinsic motivation, including: a. Responsibilities b. Awards c. The work itself d. Development and progress.

##### **a. Responsibility**

Responsibility here is part of the role of self. an employee must have a greater sense of responsibility towards the company in the sense that responsibility is an attitude of belonging to the country with all forms of company activities, meaning that an employee cannot apply an individualistic attitude, he must build a social network to help share responsibility (Kadir, 2018) . Responsibilities that must be accentuated are responsibilities that have a sense of togetherness or responsibility that is indeed in synergy with the company's vision and mission. The mission of employees to one another is a shared responsibility. This needs to be accentuated so that no employee feels that the workload is too heavy or there is no employee who feels he is being exaggerated among other employees (Wulandari & Supriyadi, 2018).

##### **b. Appreciation**

Awards given by companies can trigger self-rewards from individuals, meaning that employees who get more awards from the company can be motivated to work more effectively than others. The company must be able to manage the award that will be given to all employees based on the measured performance value (Rahimi, Yusof, & Priyatama, 2014). This is considered necessary because it can lead to extrinsic motivation. An award that is very much needed and an award in accordance with the field of employee competence when getting an employee award must be able to take advantage of the award



given by the company to maximize performance, for example one example of a marketing employee who gets a reward for either division 1 month he will get a prewed laptop what happens is To capture all the interests of social media for marketing purposes, laptops here function for this as the company's vision, so the point is that there is a synchronization of awards given with a focus on employee performance (Hanis Najwa Shaharuddin et al., 2015).

### **c. The Work Itself**

An employee who loves his job itself must be an employee who feels himself happy and happy with the work that is being experienced. In the sense that a job will be an intrinsic motivation if a job provides pleasure, peace, and happiness. The rights given in accordance with the performance of an employee will add to the feeling of belonging to the company (Insan, 2017). The fulfillment of these rights and obligations can make a special acceleration to the company that the reduction of rights and the addition of obligations can trigger negative intrinsic motivation. Therefore, for accentuation rather than elemental motivation in working alone, rights and obligations must be given rationally (Irawati, Cahyani, & Safrizal, 2018).

### **d. Development and Progress**

Employee training and empowerment is highly recommended to form an employee's character or employee integrity. The training here focuses on developing the performance of these employees in accordance with their respective fields (Ahmad et al., 2020). Companies must be able to bring in third parties or outside the reach of the company who are able to activate some of the intellectual capacity of employees. In terms of fields, each employee can build networks outside the company related to the company's vision and mission. Employee mobility with such performance will provide a motivation to an employee, and is beneficial for the company. Because they have so many networks outside the company network itself, it means that employees who develop and progress/upgrade themselves to their performance capacity should be accentuated to seek development and progress outside the company. So as to be able to perform performance screening (Muslih, 2012).

## **4.3. Accentuation of Intrinsic Motivation Value Intrinsic**

Motivation is a work driver that comes from outside the worker as an individual, in the form of a condition that requires carrying out work to the fullest (Wanti, Mintjelungan, & Wowor, 2021). According to Manullang (2001) it is stated that if the company provides insufficient working conditions, wages, benefits or safety, it will have difficulty attracting good employees and turnover and absenteeism will increase. The factors included in extrinsic motivation according to Manullang (2001) are: a. Salary. b. Policy

### **a. Salary**

Companies that are really serious about their commitment and maintaining existing regulations and regulations will maintain the consistency of wages or salaries given to employees. There are several important points that must be emphasized that there is no exploitation or additional workload that is forced to be given to support a company in the sense that a company that wants mutual progress must be able to be open in terms of salary in addition to salary which needs to be the focus of the company. the benefits provided or the job safety promised must be a major facility in the framework of performance motivation thinking, meaning that when the company wants an effective and efficient

performance and automatic performance improvement, it must think about salary increases. It is impossible to expect anything from employees without giving something newer means that the commitment built between the company and employees must bridge a common progress, there are no gaps and disputes, which is why it is necessary for the company to regulate in accordance with existing rules and provide alternatives additional alternatives related to the payroll system in accordance with the main tasks and performance of each employee (Paramitadewi, 2017).

#### **b. Policy**

The policies carried out by the company should not conflict with the company's vision and mission. in the sense that many employees are doing something that is not actually their job it can lead to negative extrinsic motivation. Policies affect all forms of work activities, therefore the policies taken and decisions taken by the company must be based on the vision and mission or in accordance with the company's integrity zone. This means that a manager, a head of leadership, is not allowed to give anything or work that is outside the work of staffing activities. If he wants this, he must prepare certain rewards that will be given to employees, as well as something additional that feels its value is more than the results of its performance, therefore the consequences seem to have to be given or accentuated into a form of value that is able to activate extrinsic motivation. Samuel & Septina, 2020).

### **V. Conclusion**

Once the role of human resources in determining the success of the company, the organization must be able to realize the desires and needs of employees through the provision of motivation so as to achieve high performance. Every manager needs to predict the efforts to develop managerial skills and abilities to motivate his subordinates. Managers have a responsibility to help and influence the behavior of their subordinates so that they can carry out their duties effectively and efficiently. Thus the success of managers in motivating their subordinates depends on how managers understand the motives of their employees. In this case, the company not only expects employees to be capable, capable and skilled, but most importantly they are willing to work hard and are willing to achieve maximum performance results (Hasibuan, 2007). Employees who have high motivation to occupy a higher position in the organization are likely to be able to increase work productivity in order to achieve organizational goals and vice versa. By understanding the role played in motivation, a manager will be able to increase the work productivity of his subordinates and can further improve their performance.

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## Legal Regulations against Children Committing the Crime of Murder

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### Abstract

*The purpose of this study is to examine how Legal Regulations against Children Committing the Crime of Murder. The type of research method used in this research is normative juridical. The result shows that the legal arrangements for children who commit the crime of murder are very clearly regulated in the Law of the Republic of Indonesia Number 35 of 2014 concerning Amendments to Law of the Republic of Indonesia Number 23 of 2002 concerning Child Protection where for 2 (two) children in conflict with the law have been snared in Article 76C in conjunction with Article 80 paragraph (3). In addition, the examination of cases conducted by law enforcement officers, especially judges and public prosecutors, uses case examination using the Juvenile Criminal Justice System as regulated in Law Number 11 of 2011 concerning the Juvenile Justice System.*

### Keywords

legal regulations;  
children; crime;  
murder



## I. Introduction

Children are part of the younger generation who are the successors of the ideals of the nation's struggle as well as human capital for national development. This child born in Indonesia is very clearly the successor of the nation who has the rights and obligations to participate in building the Indonesian state and nation. The quality of these children is largely determined by the process and form of treatment of them today. Indonesian children are Indonesian people who are raised and developed as complete human beings, so that they have the ability to carry out their rights and obligations as rational, useful and responsible citizens.

Indonesian children as children of the nation mostly have the ability to develop them to be able to carry out their rights and obligations as citizens who are responsible and beneficial to fellow human beings. However, the current condition is also determined based on the physical and mental state of a child in becoming a role by giving birth to positive or negative personalities in carrying out their daily lives in the community. A child's mental weakness often allows him to be abused legally or illegally, directly or indirectly by the people around him without being able to do anything.

Children are the creation of God Almighty, must be protected and protected with respect, dignity, and self-respect in a reasonable manner both legally, economically politically, socially, and culturally without distinguishing between tribes, religions, races, and groups. Children must be guaranteed the right of life to grow and develop in accordance with the nature and nature. (Rizal et al, 2020)

Bad conditions for this child, can develop continuously and affect his life in the family, society and country. Situations like this can endanger the state, because basically the progress or decline of a nation really depends on the role of parents and families in educating their children. Therefore, child protection needs special attention in nation building. Children need to be protected from the negative impacts of rapid development,

globalization in the field of communication and information, advances in science and technology, as well as changes in the style and way of life of some parents that have brought about fundamental social changes in people's lives that greatly affect the value of children and child behavior.

In 1989, governments around the world agreed to promise equal rights for all children by adopting the United Nations Convention on the Rights of the Child. On January 26, 1990, the Government of Indonesia signed the Convention on the Rights of the Child as a result of the UN General Assembly which was adopted on November 20, 1989. Every child can grow up healthy, go to school, be protected, have their opinions heard, and be treated fairly.

Deviations in behavior or unlawful acts committed by the child, among others, are caused by factors from within the child (family) and outside the child (environment). Therefore, the role of parents in maintaining and educating children in the development towards adulthood is a major obligation. Before children grow and develop into adults, then before, these children will experience a period or world of children. Furthermore, it is the children's world that will shape and prepare for the maturation process later. Every child needs to get the widest opportunity to grow and develop optimally, physically, mentally, socially and with noble character.

## **II. Review of Literature**

### **2.1 Theory of the Juvenile Criminal Justice System**

Prior to the enactment of the Criminal Procedure Code, the criminal justice system in Indonesia was based on the Inlaands Reglement which was changed to Het Herziene Inlaands Reglement (HIR) Stbld. 1941 Number 44. In 1981, the draft law on criminal procedure law was ratified by the plenary session of the House of Representatives on December 23, 1981, then the President ratified it as Law Number 8 of 1981 concerning the Criminal Procedure Code, also known as the Book of Laws Criminal Procedure Code. The criminal justice system in the Criminal Procedure Code is in the form of an integrated criminal justice system. This system is based on the principle of functional differentiation among law enforcement officers in accordance with the process of authority granted by the law. The criminal justice system in Indonesia is regulated in a statutory regulation in this case is Law Number 8 of 1981 concerning Criminal Procedure Code.

The criminal justice system demands a harmonious relationship between administrative subsystems in the implementation of an integrated criminal justice system. Pragmatically, the issue of judicial administration in the criminal justice system is a significant factor in the principles of law enforcement and justice through an integrated criminal justice system subsystem. If the problem of judicial administration is not good in concept and implementation, the objectives to be achieved by the existence of an integrated criminal justice system cannot be realized and what happens is the opposite, namely the failure of the legal principles and principles that form the basis of the normative framework of an integrated criminal justice system. In relation to efforts to provide legal protection for children in conflict with the law, the juvenile criminal justice system must be interpreted broadly, it is not only interpreted as handling children who commit criminal acts. However, the juvenile criminal justice system must also be interpreted to include the root causes of why children commit crimes and their prevention efforts. Furthermore, the scope of the juvenile criminal justice system includes a wide variety and complexity of issues ranging from children making first contact with the police, the judicial process, conditions of detention, and social reintegration, including the perpetrators in the process.



## 2.2 The Concept of Children in Conflict with the Law

Children according to language are the second offspring as a result of the relationship between a man and a woman. In the preamble of Law no. 23 of 2002 concerning the protection of children, it is stated that children are a mandate and gift from God Almighty, who has inherent dignity and worth as a whole human being. Furthermore, it is said that children are buds, potentials, and the younger generation who succeeds the ideals of the nation's struggle, has a strategic role and has special characteristics and characteristics that ensure the continuity of the existence of the nation and state in the future. Therefore, so that every child will be able to take on these responsibilities, he needs to get the widest possible opportunity to grow and develop optimally, both physically, mentally and socially, and with noble character. It is necessary to make efforts to protect and realize the welfare of children by providing guarantees for the fulfillment of their rights and treatment without discrimination. From this explanation, it can be seen that the legislators (DPR and the Government) have legal politics that are responsive to child protection. Children are placed in a noble position as a mandate from God Almighty who has a strategic role in ensuring the continuity of the existence of this country. Through Law no. 35 of 2014, the guarantee of children's rights is protected, and the Indonesian Child Protection Commission (KPAI) was even formed which has the responsibility to increase the effectiveness of child protection. It can be seen that the legislators (DPR and the Government) have legal politics that are responsive to child protection. Children are placed in a noble position as a mandate from God Almighty who has a strategic role in ensuring the continuity of the existence of this country. Through Law no. 35 of 2014, the guarantee of children's rights is protected, and the Indonesian Child Protection Commission (KPAI) was even formed which has the responsibility to increase the effectiveness of child protection. It can be seen that the legislators (DPR and the Government) have legal politics that are responsive to child protection. Children are placed in a noble position as a mandate from God Almighty who has a strategic role in ensuring the continuity of the existence of this country. Through Law no. 35 of 2014, the guarantee of children's rights is protected, and the Indonesian Child Protection Commission (KPAI) was even formed which has the responsibility to increase the effectiveness of child protection.

The handling of children in conflict with the law so far has not fully sided with the child and has taken into account the best interests of the child. One of the weaknesses in handling children in court, for example, is that there is no children's waiting room and when a juvenile court is held, there are still many court attributes attached to the room, such as judges' clothes, hammers, photos of the president, and witness podiums. This situation is clearly impartial and pays attention to the mentality of children, even though the handling of children in conflict with the law (AKH) must be in accordance with the convention on children's rights which has been ratified by Presidential Decree no. 36 of 1990 which mandates that the legal process is carried out as the last step and for the shortest and most appropriate period, and that criminal penalties for children should be avoided from juvenile prisons.



### **III. Research Methods**

The type of research method used in this research is normative juridical. According to Suratman and Philips Dillah, "Normative legal research is also called doctrinal legal research or library research or document study, because it is aimed at written regulations or other legal materials. This normative legal research was conducted through a literature study of legal materials, both primary legal materials, namely laws and regulations related to children dealing with the law, and secondary legal materials, namely literature related to the topic of research problems. The research method used consists of various methods and activities carried out in order to collect data from legal materials needed in order to complete the preparation of this research.

According to Peter Mahmud Marzuki, there are several kinds of approaches in research, namely:

- a. Legislative approach (statute approach)
- b. Case approach (case approach).
- c. Historical approach (historical approach).
- d. Comparative approach.
- e. Conceptual approach (conceptual approach).

### **IV. Results and Discussion**

The Big Indonesian Dictionary (KBBI) states that children are the second descendant. In the preamble to the Child Protection Act, it is stated that children are a mandate and gift from God Almighty, who has inherent dignity and worth as a complete human being. Furthermore, it is stated that children are buds, potentials, and the younger generation who succeeds the ideals of the nation's struggle, has a strategic role and has special characteristics and characteristics that ensure the continuity of the existence of the nation and state in the future. Law Number 4 of 1979 concerning Child Welfare (hereinafter referred to as the Child Welfare Law) states that a child is a person who must obtain rights which then these rights can ensure proper growth and development both spiritually, physically and socially. Children also have the right to services to develop their abilities and social life.

Article 1 number 1 of the Child Protection Law states that "A child is someone who is not yet 18 (eighteen) years old, including children who are still in the womb". According to the Child Welfare Act, the definition of a child is a person who must obtain rights which then these rights can guarantee proper growth and development both spiritually, physically, and socially, or the child is also entitled to services to develop his abilities and life social. Children also have the right to care and protection both during the womb and after they are born. Child protection is the effort and activity of all levels of society in various positions and roles, who are fully aware of the importance of children for the homeland and nation in the future. If they have matured their physical and mental social growth, then it is time to replace the previous generation. Child protection is all efforts made to create conditions so that every child can carry out his rights and obligations for the development and growth of children naturally. Legal protection for children can be interpreted as an effort to protect the law against various freedoms and rights of children (fundamental rights and freedoms of children) as well as various interests related to the welfare of children. So the issue of legal protection for children covers a very broad scope.

In the constitution of the Unitary State of the Republic of Indonesia, where the 1945 Constitution of the Republic of Indonesia as the highest legal norm has outlined that every

child has the right to survive, grow and develop and is entitled to protection from violence and discrimination. The provisions of Article 1 number 12 of the Child Protection Law state that children's rights are part of human rights that must be guaranteed, protected, and fulfilled by parents, families, communities, state, government, and local governments. The principle of child protection also adheres to the principle of non-discrimination which instructs the state not to discriminate against children for any reason. No one should treat a child regardless of whether he or she comes from any ethnic, sect, economic or social group. Every child has the right to get justice for their rights without being limited by differences in ethnicity, skin color, religion, social status and so on.

All rights recognized and contained in the Convention on the Rights of the Child must be applied to every child without any distinction. This principle is contained in Article 2 paragraph (1) of the Convention on the Rights of the Child (hereinafter abbreviated as CRC) which states that "States parties respect and guarantee the rights set out in this convention for every child within their jurisdiction without discrimination in the form of regardless of race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property status, disability or not, birth or other status of the child himself or his guardian valid". Furthermore,

The principle of the best interests of children, something that adults think is good is not necessarily good according to the size of the child's interests. Considerations in decision-making regarding the future of children are not with the size of adults and are not centered on the interests of adults, therefore children should be involved in every policy making related to children.

This principle is stated in Article 3 paragraph (1) of the Convention on the Rights of the Child as abbreviated (KHA): "In all actions involving children carried out by government and private social welfare institutions, judicial institutions, government institutions or legislative bodies, the best interests of for children must be the main consideration (Article 3 paragraph 1 KHA)". This principle reminds all child protection providers that the considerations in making decisions are about the future of the child, not by the size of adults, let alone centered on the interests of adults. What according to the size of adults is good, is not necessarily good according to the size of interest. It may be that adults mean to provide assistance and help, but it destroys the future of the child.

The principle of child survival and development is a very large concept of child life and must be viewed as a whole for the sake of the child himself. This can be seen in the problems of everyday life that involve children's lives, especially in the selection of educational paths for children. Every child has an inherent right to life, and maximum survival and development must be guaranteed. This principle is contained in Article 6 paragraph (1) of the CRC which states that "States parties recognize that every child has an inherent right to life". Then in paragraph (2) states that "States parties will guarantee to the maximum extent the survival and development of children".

This principle has a very clear message that the state must ensure that every child will guarantee their survival because the right to life is something that is inherent in him, not a gift from the state or individuals. To guarantee the right to life means that the state must provide a conducive environment, adequate living facilities and infrastructure, as well as access for every child to obtain basic needs. The principle of respect for children's opinions emphasizes that children have personality autonomy. Therefore, children should not only be seen in a weak, accepting and passive position. The child has experiences, desires, imagination, obsessions, and aspirations, even children are very distinctive and often not understood by adults, and children have their own world and expectations which are certainly different from adults. This principle aims to give freedom to children in order

to develop their creativity and intellect. This principle is contained in Article 12 paragraph (1) of the CRC that "States parties shall ensure that children who have their own views have the right to express their views freely in all matters affecting the child, and these views will be respected according to their age level and maturity of the child".

#### **4.1. Protection of Children under the Convention on the Rights of the Child**

The protection of children according to the convention on the rights of the child begins with concern for children's problems which began to be recorded in the 1920s, after World War I. In that war, women and children suffered the most. Adult men may be injured but he can still hold his head proud of his heroic stories during the war. However, this is not the case with women and children who have to run, hide, be threatened and depressed both physically and psychologically during the war.

The juvenile criminal justice system is implemented based on the following principles:

1. The principle of protection, which is meant by the principle of protection, includes activities that are direct and indirect from actions that harm children physically and/or psychologically.
2. The principle of justice the principle of justice is that every settlement of a child's case must reflect a sense of justice for the child.
3. The principle of non-discrimination What is meant by the principle of non-discrimination is the absence of different treatment based on ethnicity, religion, race, class, gender, ethnicity, culture and language, legal status of children, order of birth of children, as well as physical and/or mental conditions.
4. The principle of the best interests of children  
The principle of the best interests of children is that all decision-making must always consider the survival and development of the child.
5. The principle of respect for the opinion of children.  
The principle of respect for children's opinions is respect for children's rights to participate and express their opinions in decision making, especially regarding matters that affect children's lives.
6. The principle of survival and child development.  
The principle of survival and child development is the most basic human right for children who are protected by the state, government, community, family, and parents.
7. The principle of fostering and guiding children.  
The principle of fostering and guiding children is an activity to improve the quality, piety to God Almighty, intellectual, attitude and behavior, skills training, professional, as well as physical and spiritual health of children inside and outside the criminal justice process.
8. Proportional principle  
The principle of proportionality is that all treatment of children must show the limits of the needs, age and condition of the child.
9. The principle of deprivation of liberty and punishment as a last resort The principle of deprivation of liberty and punishment as a last resort is basically that children cannot be deprived of their liberty, unless forced to do so for the purpose of settling cases.
10. The principle of avoidance of retaliation  
The principle of avoiding retaliation is the principle of avoiding retaliation in the criminal justice process.

The purpose of the Juvenile Criminal Justice System, according to Gordon Bazemore, states that the juvenile criminal justice system (SPPA) is different, depending on the paradigm of the juvenile criminal justice system adopted. There are three well-known juvenile justice paradigms, namely the individual treatment paradigm, the retributive paradigm, and the restorative paradigm.

1. The Goals of the Juvenile Criminal Justice System with the Individual Development Paradigm

The purpose of the juvenile criminal justice system with the individual development paradigm is the emphasis on the problems faced by the perpetrators, not on the actions/losses caused. This responsibility lies in the responsibility of the system in meeting the needs of the actors. The imposition of sanctions on the juvenile criminal justice system with the paradigm of individual development is irrelevant, incidental and generally inappropriate.

2. The Purpose of the Juvenile Criminal Justice System with a Retributive Paradigm

The purpose of the juvenile criminal justice system with a retributive paradigm is determined when the perpetrator has been sentenced, the goal of imposing sanctions is achieved by the fact that the perpetrator has been sentenced to a crime and with an appropriate, definite, worthy and fair punishment. The form of punishment is in the form of confinement, electronic supervision, punitive sanctions, fines and fees. The success of community protection is seen in the circumstances of whether the perpetrator has been detained, whether the recidivist is reduced by prevention or detention.

3. The Purpose of the Juvenile Criminal Justice System With a Restorative Paradigm

The purpose of the juvenile criminal justice system with a restorative paradigm for children is the principle of avoiding retaliation. As an effort to prevent children from retaliation in the criminal justice process, an effort is called restorative justice. Restorative justice is a settlement process that involves the perpetrator, the victim, the family of the perpetrator/victim, and other parties involved in a crime, jointly seeking a solution to the crime and its implications by emphasizing the restoration of its original state.

Restorative justice is a concept of thought that responds to the development of the criminal justice system by emphasizing the involvement of the community and victims who feel excluded from the mechanisms that work in the current criminal justice system. On the other hand, restorative justice is also a new frame of mind that can be used in responding to a crime for law enforcement and legal workers. An investigation is a series of actions carried out by an investigating official in accordance with the method in the law to seek and collect evidence, and with that evidence make or become clear on the criminal act that occurred and at the same time find the suspect for the perpetrator of the crime.

Investigators who are directly related to the enforcement of children's rights include the following:

1. Arrest

Arrest is an investigator's action in the form of temporary restraint on the freedom of a suspect or defendant if there is sufficient evidence for the purposes of investigation or prosecution and/or trial in matters and according to the method regulated in this law (Article 1 Point 20 of the Criminal Procedure Code).

Article 30 of the SPPA Law states that:

- 1) The arrest of a child is carried out for the purpose of investigation for a maximum of 24 (twenty four) hours.
- 2) Arrested children must be placed in a special child service room.

- 3) In the event that a special service room for children does not yet exist in the area concerned, the child is deposited in the LPKS.
- 4) The arrest of children must be carried out humanely by taking into account the needs according to their age.
- 5) The cost for each child placed in LPKS is borne by the budget of the ministry that carries out government affairs in the social sector.

## 2. Detention

Detention is the placement of a suspect or defendant in a certain place by an investigator or public prosecutor or judge with his determination according to the method regulated by law. Van Bemmelen said detention is a beheading that cuts both parties because this cruel act can be imposed on people who are not necessarily guilty.

Article 32 of the SPPA Law states that:

- 1) Detention of a child may not be carried out in the event that the child receives a guarantee from the parent/guardian and/or institution that the child will not escape, will not destroy or destroy evidence, and/or will not repeat the crime
- 2) Detention of a child can only be carried out under the following conditions:
  - a. The child is 14 (fourteen) years old or more; and
  - b. Suspected of committing a crime with a threat of imprisonment of 7 (seven) years or more.
- 3) The terms of detention as referred to in paragraph (2) must be stated explicitly in the detention order.
- 4) As long as the child is detained, the child's physical, spiritual and social needs must be met.
- 5) To protect the safety of the child, the child can be placed in LPKS.

Prosecution is explained in Article 1 point 7 of the Criminal Procedure Code that "Prosecution is prosecuting a defendant before a criminal judge by submitting the case of a defendant with his case file to the judge, with a request that the judge examine and then decide the criminal case against the defendant". Legal protection of children's rights during prosecution is specifically regulated in Article 41 and Article 42 of the SPPA Law. Article 41 of the SPPA Law states that "Prosecution of children's cases is carried out by the public prosecutor determined by the decision of the Attorney General or other officials appointed by the attorney general". The requirements to be appointed as a public prosecutor in a child case are as follows:

1. Has experience as a public prosecutor;
2. Have interest, attention, dedication and understanding of children's problems; and
3. Has attended technical training on juvenile justice.

The criminal justice process is a juridical process, where the law is enforced without compromising the freedom of expression and defense where decisions are made with certain motivations. The rights that need to be considered and fought for are:

1. Rights are enforced as those who have not been proven guilty;
2. The rights to be protected from harmful actions, causing mental, physical and social suffering;
3. The right to receive assistance from legal counsel;
4. The right to receive transportation facilities and counseling in participating in facilitating inspections;
5. Right to express opinion;
6. The right to a closed trial in his interest;
7. The right to receive humane guidance in accordance with Pancasila and the 1945 Constitution and the idea of a correctional facility;

8. The trial as far as possible is not postponed, as a consequence, careful preparation before the trial begins;
9. The right to be able to relate to parents and their families.

The trial examination of children's cases is carried out by a judge who is determined based on the decision of the Chief Justice of the Supreme Court at the suggestion of the Head of the District Court concerned through the Head of the High Court Article 44 of the SPPA Law states that "Judges examine and decide cases of children in the first instance with a single judge". In the process in court, the head of the court is obligated to appoint a judge to handle a child case no later than 3 (three) days after receiving the case file from the public prosecutor

The trial of children's cases is closed in order to create an atmosphere of calm and full of kinship, so that children can express all events and feelings openly and honestly during the trial. In the trial process, in principle, children are tried in a special children's court room and a children's court waiting room which is separated from the adult court waiting room. The time for the trial of children takes precedence over the time of trial for adults. In addition, the judge examines children's cases in a trial which is declared closed to the public, except during the reading of the verdict. In a child's trial, the judge is obliged to order parents or guardians, community counselors, advocates or other legal aid providers to accompany the child.

## V. Conclusion

The legal arrangements for children who commit the crime of murder are very clearly regulated in the Law of the Republic of Indonesia Number 35 of 2014 concerning Amendments to Law of the Republic of Indonesia Number 23 of 2002 concerning Child Protection where for 2 (two) children in conflict with the law have been snared in Article 76C in conjunction with Article 80 paragraph (3). In addition, the examination of cases conducted by law enforcement officers, especially judges and public prosecutors, uses case examination using the Juvenile Criminal Justice System as regulated in Law Number 11 of 2011 concerning the Juvenile Justice System.

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## Concerto Opus 3 No 6 by Antonio Vivaldi: An Overview of Forms of Ritornello and Music Construction

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### Abstract

*This research aims at analyzing Concerto Opus 3 No. 6 by Antonio Vivaldi in terms of Ritornello's form and musical construction. The basic method applied in this research is descriptive. Besides that, the approach method used is the library method so that it is found and produced Ritornello Form Analysis and Musical Construction. Through Analysis of Concerto Opus 3 No 6 by Antonio Vivaldi Viewed From Ritornello's Form and Construction Vivaldi's concerto music which is famous for its string music characteristics, regarding the form and pattern of its structure as well as the parts contained in the construction of the music, the beginning, the continuation part, the complication part and the resolution section. In addition to his musical constructions, Vivaldi's concerto uses Ritornello and Episode patterns which are brilliant in Baroque terms. With the use of chord levels (harmony progressions) and soloist and tutti (orchestral) playing, this concerto was more solemn and majestic for its time.*

### Keywords

concerto; musical construction; ritornello; tutti



## I. Introduction

In the periodization of European music, the era around the years 1600 to 1750 was known as the Baroque. The hallmark of this era that distinguished it from other periods was its majestic character, full of dramatization, rich in ornamentation, and vibrant. This characteristic first appeared in Italy when musicians often produced works for the liturgical interests of the Roman Catholic Church. Influenced by strong religiosity, many Baroque music emerged in the form of singing in operas, oratorios, and cantatas. As for musicians who play instruments, Baroque characteristics could be found in various sonatas, concertos, and overtures.

Among the great names of Italian composers who emerged in this period and who became one of the most important and widely influenced was Antonio Vivaldi. He was the Catholic priest who created "Le Quattro Stagioni", "The Four Seasons"--music that described the atmosphere of the four seasons in the world. He was born in Venice in 1678. Little Vivaldi knew music for the first time from his father, Giovanni Batista--a violinist in the San Marco Basilica orchestra in Venice. This introduction made him study the violin until he was accepted as a violinist at St. Mark's Basilica in 1696. At 25, he became maestro of the violino at the Ospedale della Pietà, a convent as well as an orphanage that provided musical education. It is said that most of his musical works were produced when he was active in this place.

In Italy, some institutions such as the Ospedale della Pietà are known for providing access to good education for neglected children or children from poor families. Each boy was taught how to work and trade, while the girls were given music education. Therefore, many of Vivaldi's works were made for the benefit of the church liturgy in the musical group of teenage girls. A year after working as a violin instructor, in 1704 he was asked to

concurrently work as a violin teacher. Because they are quite different technically, the two types of musical instruments make Vivaldi a bit of a hassle. The reason is because as a multi-instrument instructor, he is also required to produce oratoria or sonatas whenever there is an important event. He also had to teach music theory in parallel.

Apart from being a full-time musician, Vivaldi is also interested in pursuing composition. It is said that one of Vivaldi's first musical composition lessons was taken from Giovanni Legrenzi, a well-known Baroque composer and Maestro di capella in St. Mark's Basilica. In Vivaldi: Genius of the Baroque (1957:38) Marc Pincherle notes, in 1705 the first collection of Vivaldi's works was published by Giuseppe Sala. Opus 1's work is a collection of 12 sonatas for two violins and basses that take on a conventional style. Four years later, Opus 2 was published.

L'estro Armonico (Concerto Op. 3 no. 6), This concert is considered a pioneer because it greatly influenced composers, besides this work is very well known. This work is very interesting to analyze in terms of Ritornello's form in the musical construction used by Vivaldi, because Vivaldi's Concerto has a clear and regular form in musical construction.

## II. Review of Literature

When discussing "Music Composition of Accompaniment for Fusion Dance 8 Ethnic of North Sumatera" Sinaga (2019: 321) argues that "a composition of music as a accompaniment of dance works requires a solitary collaboration between music artists and dance artists, this is something that is very common to do". With reference to "Model Creation of Musical String Instrument Based on Ethnic Diversity in North Sumatera" Suroso et al. (2018: 135) conclude that the formulation of instrument's form can be in two ways: formulate the structure instrument and Formulate the range of the instrument tone area. When carrying out a research on "Performance Model of Kulcapi (Karo Musical Instrument) as a Teaching Material in Guitar Learning" Suroso et al. (2018: 139) found that "the basic technique in playing kulcapi is to pay attention to the holding position of the kulcapi with the right hand or right fingers holding a sort of picking tool commonly called pick picking both strings once and then by following the rhythmic pattern of traditional music or following the Gungpenganak rhythm pattern. the position of the first string / string is considered to be the bearer while the second string / string is Gung. Siburian (2019: 320) has ever carried out a research on "Music in Perumah Begu Ritual of Karo Tribe (Study of Form and Music Functions)" and argues:

- 1) Perumah Begu's ritual is a culture of summoning spirits or ghosts of deceased people to solve problems with their families that have not been completed until the day of his/her death. This ritual was carried out on the first night after the body was buried. This ritual is led by a shaman or (guru si baso) as a media that can mediate between the spirit world and the human world. The implementation is divided into three stages: the preparation, implementation and closing;
- 2) The musical accompaniment used in the Perumah Begu's ritual is the gendang lima sendalanan ensembles. In general, the gendang lima sendalanan ensembles is known by three forms of reportoar known as: a) Simalungun rayat b) Odak-odak, c) Patam-patam;
- 3) The connection of the three forms of music reportoar above are very binding on Perumah Begu's ritual journey from the beginning to the end. Each form has its role and function in the Perumah Begu's ritual that is carried out by the Karo community.

According to Ian D. Bent, analysis is the resolution of the musical structure into the arrangement of relatively simple elements and the investigation of the function of these elements in the musical structure. This process is part of a compositional work or a compositional work as a whole. Furthermore, the analysis according to William Christ, et al. (1975: 121) in Kartini (2014), is that analysis can be a useful tool for performers and conductors in providing a rational basis for decision making and interpretation which is an important part of musical performances. Furthermore, the analysis provides guidelines for stylistic interpretation and comparison, as well as for exploring old and new music, through listening or study guides through the usual sheet music and should be an essential information tool for musicians. Furthermore, one of the main functions of analysis is that it must be able to provide principles for musicians to be able to interpret a performance; the analysis should produce an understanding of the elements that make up the material/parts of the composition and their processes as well as the interrelationships between these parts of the composition.

Karl Edmund Prier SJ (1996: 1) music analysis is 'cutting' and paying attention to details while forgetting the whole of a piece of music. Whole means: looking at the beginning and the end of a song and the few stops in between, the rising and falling waves, and the peak, in other words from a musical structure point of view. William E. Brandt (1980: p.51) states that analysis is the most important part of music theory, namely the part that is directed towards musical understanding. To be able to get to that understanding, one must learn, listen with a broader perception (active listening), play with a broad sense, practice with the most efficient time possible, or learn the different periods and styles of music.

L'estro Armonico (Konserto Op. 3 no. 6) created by Vivaldi in 1712 is the first collection of concertos to be printed and this work is considered a pioneer because it greatly influenced composers outside Italy, especially Germany. Vivaldi himself is a figure from Italy. Many composers who were with Vivaldi and later generations were influenced by him because of Vivaldi's style and principles of form.

Vivaldi's concerto has a clear and regular form. Most Vivaldi concertos are composed of three movements, the first is a fast movement in the form of Ritornello, the second is a slow movement, and the third is a fast movement that is often shorter and lighter in nature than the first. According to Hutchings (1980, p. 630), Vivaldi's Concerto works are Solo Concertos that use a solo instrument, stringed orchestra and continuo. The solo instrument is usually performed by a violin instrument. In addition to the clear and regular form, there are some interesting things about this style or what is called Vivaldi's characteristic, as stated by Hutchings, that:

1. Vivaldi's Concerto works are created in the form of three movements
2. In his Concerto work introduces brilliant parts
3. Romantic Expression
4. The style and theme is easy to remember
5. Ritornello's arrangement is quite complicated
6. The sad character of his slow movements

Leon Stein in Hananto Dwi, Paulus (2011), states that the notion of analysis in music is a study to find the relationship between elements of music. While structural analysis in music is a study to find the relationship of elements of music which includes melodic units, harmonic units, and rhythmic units. In general, to find these elements, it can be proven by the initial step of looking for the largest units and then moving on to the smallest units gradually. Basically, music analysis on the one hand determines and relates existing similarities, and on the other hand looks for existing differences.

Definitions and outlines of forms are actually a preparation and introduction that can only be useful after studying analysis. Form and content are two aspects of a single identity. Therefore, presentation and analysis will prove very meaningful if the aim is not merely musical research, but rather a synthesis in which analysis is only a necessary opening to musical understanding. This can be achieved if an existing composition is considered to have a relationship with:

1. The shape of a composition
2. A beginning or modification of an established pattern
3. The style and aesthetics of the time in which the composition was created
4. The compositions and special style of the composer
5. Exemplified basic structural principles

## **2.1 Baroque's Background**

Rhoderick Mc. Neill in *History of Western Music II* (unpublished, 1992) states that music historians use the term "BAROK" to classify music created between the years 1600-1750. Besides music, this term is also used in the fields of painting and architecture. We cannot pinpoint exactly when the Baroque period began and ended, for no dramatic or sudden change in style occurred in 1600 or 1750 exactly.

According to Kamien (1997:119) Baroque style began to develop at the end of the 16th century. Baroque emerged as a result of the development of the Protestant movement. The Catholic Church at that time wanted the church to be a medium for carrying messages to be conveyed in a more dramatic way through art. In the baroque era the church displayed religious themes with emotion through architecture, painting and music. Although the word baroque has different meanings, the baroque style is characterized by flamboyance, and is highly ornamental to denote a particular style in art. Painters, sculptors, and architects at the time were interested in forming total illusions, such as stage settings.

## **2.2 Vivaldi Concerto**

Hutchings Arthur in Sadie Stanley (Grove: 1980) writes that the most influential composer in the development of baroque music was Antonio Vivaldi. In general, Vivaldi developed the concerto form according to the concerto pattern that had been developed by Torelli, and Vivaldi had brought baroque concerto to its peak.

In 1705, a collection of 12 Sonatas trio was published as Vivaldi's first opus. His second opus, a collection of 12 violin sonatas and a continuo, appeared in 1709. Around that same year Vivaldi was busy creating concertos. Some of these concerts were created under the title *L'Estroarmonico*, by publishers in Amsterdam. In 1711 – 1716, Vivaldi's duties in Pieta increased, he became conductor of the orchestra, and was given the task of composing sacred music for the chapel in Pieta. He also became an opera entrepreneur at the Santo Angelo theater in Venice. In addition to opera performances by other composers, including an opera by his partner Gasparini, Vivaldi performed 8 of his own operas in 1713 – 1718 (McNeill, 1998:269).

## **2.3 Biography of Antonio Vivaldi**

Talbot, M. in *The New Grove Dictionary of Music and Musicians*, states that Antonio Vivaldi was the most important Italian composer of his time. Vivaldi developed the Baroque concerto form to its peak, so that many composers of his time and subsequent generations were influenced by his style and the principles of form adopted by him.

Born in Venice, Italy, on March 4, 1678, Vivaldi inherited his musical abilities from his father, Giovanni Battista Vivaldi, who was also a violinist in the Cathedral of San Marco. At a young age, Vivaldi was taught to play the violin by his father. They also toured Venice to show violin playing. "The Four Seasons" is one of Vivaldi's most famous works. This work was published for the first time in 1725 in a series of twelve concertos entitled *Il cimento dell'armonia e dell'invenzione* (Test of Harmony and Invention). "Spring" was King Louis XV's favorite concerto. (Feidela, Regina: 2015).

### **III. Research Methods**

#### **2.1 Basic Method**

The basic method that will be applied in this research is descriptive method. In other words, this research is intended to make a complete, factual and thorough description or description of the facts, nature and relationships between the phenomena being investigated. Furthermore, this method will underlie this research, especially in terms of data collection and data analysis.

#### **2.2 Method of Data Collection**

There are several methods applied in data collection, namely:

(1) observation method, (2) library method. The observation method is possible to compare what the informant said and what the informant did. Data was also collected by recording audio using an audio-visual recording device, scores/music scores were collected from notation sources from the edition used by the Eulenburg edition. Through the library method, it is hoped that we can obtain written data about the Analysis of the Concerto Opus 3 No. 6 by Antonio Vivaldi in terms of musical construction.

#### **2.3 Analysis Method**

The data analysis procedure will be carried out as follows:

##### **a. Data Selection**

The data selection was carried out in order to select and summarize the data according to the needs of the research on Analyzing the Concerto Opus 3 No. 6 by Antonio Vivaldi in terms of musical construction.

##### **b. Data Classification**

Data classification is carried out to compile the basic data of certain criteria and divisions.

##### **c. Data Description**

In this step, the data is described as well as possible so that a clear and detailed picture of the data is obtained, especially those that are relevant to the substance of the research.

##### **d. Interpretation**

The interpretation data seeks to find the relationship between the facts found and provides a clear understanding of the analysis of the concerto opus 3 No. 6 by Antonio Vivaldi in terms of musical construction.

##### **e. Draw a conclusion**

The final step is to draw conclusions, which is to briefly and concisely reaffirm what was found from the previous discussions.



## IV. Results and Discussion

### 4.1 Results

Related to the pattern/structure of the music in the concerto op. 3 no. 6 by Antonio Vivaldi, in a concerto, the structure of a concerto is usually in the form of a sonata form, a ternary form and a ritornello form. According to Stein, 1979 (p. 162) sonata form is a type of instrumental music consisting of exposition, development, and recapitulation. The exposition section consists of theme I and theme II. Theme I uses tonic tonality (I) and theme II uses dominant tonality (V). As a liaison between theme I and theme II, it is called a transition. The development section is called the development section. In this section, various compositional techniques, keys, and also tonality processing are in this development section. The recapitulation part can be a pure repetition of the first main part (as contained in the exposition section) or it can also be a repetition with modifications (from the first part, exposition). In the recapitulation section, using tonality tonic (I). Ternary form, consists of three (3) parts, each part has its own musical element. the three parts consist of A B A (see Figure 1).



*Figure 1. Ternary form*

Figure 1 shows the first A using antecedent and consequent phrases, B using authentic cadence, and the second A using antecedent and consequent phrases or the repetition of A. According to the Merriam Webster Dictionary Antecedent phrases are analogous to question sentences that still need answers, in music, phrases it ends with a dangling note. Meanwhile, the consequent phrase is analogous to the answer to the antecedent phrase, in music this phrase ends with a basic note. Ritornello form, according to McNeill, 2002 (Page 271) the ritornello form of every fast movement begins with an exposition of the main theme of the orchestra (tutti). then between episodes (solo) parts, material from the main theme reappears on the orchestra in tonic and on other basic notes.

Concerto Op. 3 no 6 by Antonio Vivaldi consists of 3 (three) movements, namely: fast - slow - fast. In the concerto Op. 3 no. 6 there are 3 (three) parts by using ritornello in the first part and the third part. The ritornello form consists of a ritornello and a solo, where the solo alternates playing the main melody with the orchestra/accompanist.

**Table 1. Analysis of concerto music structure patterns op 3 no 6: Ritornello form**

Ritornello 1	Solo 1	Ritornello 2	Solo 2	Ritornello 3	Solo 3
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Table 1 shows Ritornello 1| Solo 1|, Ritornello 2| Solo 2|, Ritornello 3| Solo 3 and Figure 2 show the musical pattern/structure of the ritornello form in the work of koserto op.3 no. 10 A. Vivaldi. Ritornello 1 and Solo 1 are played from measure 1 to the first 36 beats (see Figure 2).

## Ritornello 1

Violin

Piano

## Solo 1

www.virtualsheetmusic.com



**Figure 2. Ritornello 1 and solo 1**

Source: Virtual sheet music ([www.virtualsheetmusic.com](http://www.virtualsheetmusic.com))

Ritornello 2 and Solo 2 start from the second 36 beats to the fourth 58 beats measure (see Figure 3)

### **Ritornello 2**





### Solo 2



**Figure 3. Ritornello 2 and Solo 2**

Source: Virtual sheet music ([www.virtualsheetmusic.com](http://www.virtualsheetmusic.com))

Ritornello 3 and Solo 3 are played from the fourth 58 beats to the 81st (see Figure 4).



### *Ritornello 3.*

Measures 50-63 of the musical score for Ritornello 3. The score is written for piano (p) and includes a 'tutti' marking at measure 53. The music features a complex rhythmic pattern with many sixteenth and thirty-second notes, and a key signature of one sharp (F#).

### *Solo 3*

Measures 64-79 of the musical score for Solo 3. The score is written for piano (p) and includes a 'tutti' marking at measure 68 and a 'solo' marking at measure 72. The music features a complex rhythmic pattern with many sixteenth and thirty-second notes, and a key signature of one sharp (F#).

**Figure 4.** *Ritornello 3 and Solo 3*

Source: Virtual sheet music ([www.virtualsheetmusic.com](http://www.virtualsheetmusic.com))

## 4.2 Discussion

### a. Musical Construction in Concerto op. 3 no.6 by Antonio Vivaldi

The meaning of the word construction in the large Indonesian dictionary is arrangement (model or layout). (<https://kbbi.web.id/construction>). The composition and relationship of tone, melody, rhythm, harmony become one in music. The musical construction consisting of melody, rhythm and harmony in concerto op no. 6 is analyzed in detail in this section. According to the Big Indonesian Dictionary (1997: 676), music is a tone or sound that is arranged in such a way that it contains rhythm, song, and harmony. The meaning of melody according to the Big Indonesian Dictionary is an arrangement of a series of three or more notes in music that sounds logically sequential and rhythmic and expresses an idea. Concerto op 3 no 6 by Antonio Vivaldi is a hallmark of Baroque music. The melodic characteristics of the Baroque period are very interesting when compared to the polyphonic forms of the Renaissance.

Melodies in the Baroque period always flowed, sometimes using ornamentation outside the chord accompaniment. Baroque melodies use a lot of repetition techniques and modification techniques from the original motifs. Baroque melodies have a longer pitch jump than the Renaissance period, a wider range, and more chromaticism that appears in the melody of the song. Musical instruments are associated with melodic patterns at this time. Instrumental music influences melodic vocals. Melodies are wider, longer, and more asymmetrical. Melodies in the Baroque period tend to create a continuous feeling, the theme of the melody will be repeated over and over again in a baroque piece of music.

The musical construction of the concerto op 3 no 6 consists of melody, rhythm and harmony. These three (3) musical constructions will be analyzed in detail according to the Ritornello form. The structure pattern of Ritornello form contained in this work consists of 3 parts, namely: Ritornello 1, solo 1, Ritornello 2, solo 2, ritornello 3, solo 3. Therefore, the melody contained in the three parts of the ritornello form becomes the focus of the first analysis. performed, in addition to rhythm and harmony.

Related to the melody analysis in the first part, Ritornello 1, Solo 1 the melody in ritornello 1 starts with a minor tonality with the movement of the e quart interval jumping up to the a note (bar 1 to bar 3) (see Figure 5). The melodic motion uses a sequence technique on measures 5 to bars 8. The melody in measures 5 to 8 uses a descending sequence technique (see Figure 6).



**Figure 5.** Melody with quart interval movement using a minor tonality

Source: Virtual sheet music ([www.virtualsheetmusic.com](http://www.virtualsheetmusic.com))



**Figure 6.** Descending sequence technique

Source: Virtual sheet music ([www.virtualsheetmusic.com](http://www.virtualsheetmusic.com))

Sequence technique according to Prier 1996:26, repetition at another level. A repetition with easy variations. Two kinds of sequences exist in a repetition in the composition, namely ascending sequences and descending sequences. An ascending sequence is a motif repeated at a higher pitch than the previous motif, while a descending sequence is a motif repeated at a lower pitch than the previous motif.

In bar 13 there is a perfect cadence (V-I). The definition of cadence in music has the meaning of stopping. A stop can mean that the music or song sentence ends permanently or temporarily, a kind of punctuation mark: comma, period, etc. in language. (Purnomo, 2018:8). Perfect cadence (V-I) is also called perfect cadence, which is the movement of the IV-V-I chord. This chord movement is used most often. With the use of this cadence, a musical sentence is felt to have ended like a "dot" in a sentence in language. Or in other words, the sentence of the song is felt to have stopped permanently, in an atmosphere of harmony or steady sound harmony. Markers that are often found in song melodies end with a do tone. This melody using perfect cadence IV-V-I at bar 13 is the final part of the melody in part Ritornello 1 (see Figure 7).



**Figure 7.** Melody with perfect cadence technique (IV-V-I)

Source: Virtual sheet music ([www.virtualsheetmusic.com](http://www.virtualsheetmusic.com))

While the melody contained in the first part of solo1, starting from the 13th bar to the 4th beat with a minor tonality with a quart interval movement of the e note jumping up to the a note. solo melody 1 consists of 8 bars, starting from the 13th bar to ending at the 21st bar with the sequence technique and the jump-down-secta interval movement and the jump-up-and-octave interval movement (see Figure 8).



**Figure 8.** Melody in the first part, Solo 1

Source: Virtual sheet music ([www.virtualsheetmusic.com](http://www.virtualsheetmusic.com))

For rhythm analysis in the first part, ritornello 1, and solo 1, the rhythm contained in this concerto op 3 no 6 uses repetition or repetition of the rhythm with a relaxed and dynamic composition, more varied and energetic, the bass creates a feeling of steady rhythm changes (see Figure 9).





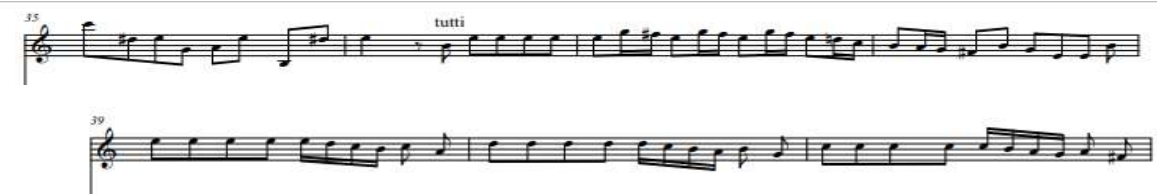
**Figure 9.** *Rhythm in first part, ritornello 1, solo 1*  
Source: Virtual sheet music ([www.virtualsheetmusic.com](http://www.virtualsheetmusic.com))

About analyzing the harmony in the first part, ritornello 1, solo 1, harmony in the first part, ritornello 1, solo 1 using a minor tonality. Functional tone motion makes the displacement more harmonious. Deliberately shifting more harmony from one note to the next, the continuation of the basso continuo forms the basis of a strong bass. It has stable harmonies, diatonic notes played by the basso continuo and the presence of notes in major and minor keys (see Figure 10).



**Figure 10.** *Harmonious progression of I (tonic) in the key of a minor and modulating to the dominant level (V) of the key of E major*  
Source: Virtual sheet music ([www.virtualsheetmusic.com](http://www.virtualsheetmusic.com))

Regarding the melodic analysis in the second part, Ritornello 2, Solo 2, the melody contained in ritornello 2 starts with the tonality of E minor or level V/ dominance of the A minor scale. The melody with the movement of the B quart interval jumps up to the E note (measures 36 to 45) (see Figure 11).



**Figure 11.** *Ritornello melody with an E minor tonality of V grade/predominantly of A minor*

After that, it is continued with melodic movements using the sequence technique on measures 39 to 45. Melodies from 39 to 45 use the descending sequence technique (see Figure 12). The melodies in the solo1 section contained in the fourth 45 beats to the 58 melodies using the descending sequence technique (see Figure 13) and the rhythm analysis in the second section, ritornello 2, solo 2 is shown in Figure 14.



**Figure 12.** Measures 39-45 Melody with descending sequence technique



**Figure 13.** Descending sequence technique



**Figure 14.** The dominating rhythm in the ritornello 2 section, solo 2.

Regarding the harmonic analysis of the second part, ritornello 2, solo 2, the harmony of the second part ritornello 2, solo 2 starts with an E minor chord or V/dominant level of A minor (see Figure 15). Regarding the analysis of Melody in the third part, ritornello 3, solo 3, melody in the third part ritornello 3, solo 3, again using the tonality of A minor and there are several sequences. The melody in the third part, ritornello 3, solo 3, starts at measure 58 on the fourth beat and ends at measure 81 (see Figure 16).



**Figure 15.** Harmony in part ritornello 2, solo 2



*Figure 16. Melody in the third part, ritornello 3, solo 3*

## V. Conclusion

In concerto, its musical structure is usually in the forms of sonata, ternar and ritornello. Concerto Op. 3 no 6 by Antonio Vivaldi consists of 3 (three) movements, namely: fast - slow - fast. In the concerto Op. 3 no. 6 there are 3 (three) parts by using ritornello in the first part and the third part. Ritornello 1| Solo 1|, Ritornello 2| Solo 2|, Ritornello 3| Solo 3. The ritornello form consists of ritornello and solo, where the solo alternates playing the main melody with the orchestra/accompanist. Analysis of the melody, rhythm and harmony contained in the first, second, and third parts of ritornello 1, solo 1, ritornello 2, solo 2, ritornello 3, solo 3.

In the melodies contained in ritornello 1, solo 1, ritornello 2, solo 2, ritornello 3, solo 3 uses the tonality of a minor, e minor and back to the beginning of a minor. There are ascending and descending sequences, perfect cadence V-I and jumping interval movements of quarts, quints, sects and octaves. The rhythm contained in ritornello 1, solo 1, ritornello 2, solo 2, ritornello 3, solo 3, uses 4/4 meter from the beginning of the song to the end of the song. Rhythm contained in concerto op 3 no 6 is the use of repetition or repetition of rhythm with a relaxed and dynamic composition, more varied and energetic, bass creates a feeling of constant rhythm change. In terms of harmony, Perfect Cadence (V-I) is also called perfect cadence, which is the movement of the IV-V-I chord. This chord movement is used most often.

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