

PROGRESSIVE LAW REVIEW



(e- ISSN) 2716-2141

Volume 2 Nomor 2

November 2020

**Published by Faculty of Law
Bandar Lampung University, Indonesia**

PROGRESSIVE LAW REVIEW

**Law Journal
Faculty of Law
Bandar Lampung University**

**Terbit pertama kali November 2019
Terbit dua kali setahun, setiap April dan November
(e-ISSN) 2716-2141**

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RECRUITMENT OF LAW FACULTY LECTURERS AND THE IMPLICATIONS OF OUTPUTGRADUATES IN THE MANPOWER SECTOR

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Abstract

The symmetrical relationship that shapes the quality of graduates cannot be separated from the existence of Human Resources, namely qualified lecturers. A qualified lecturer is produced by quality recruitment and continuous coaching. Because the curriculum is as great as it is, with lecturers who have no motivation or even the ability to interpret texts and contexts, it is certain that they experience difficulties in presenting an optimal learning method and in the end have a significant effect on the *output of* graduates. The focus of this article is: (1) to understand in depth why the lecturer recruitment process has a strong correlation with the quality of public services; and (2) to know and understand how the quality of law faculty lecturers affects output graduate. This research was conducted with a normative juridical approach, because in this study the assessment was carried out based on legal norms and principles, applicable laws and regulations and other library materials relevant to the research topic. The conclusions obtained, among others, show that: (1) The process of recruiting lecturers to PNS Lecturers, Permanent PNS Lecturers and Permanent PTS Lecturers will affect the quality of public services in the university scope. This is based on several factors, including intention, quality commitment, individual quality, and how the work unit, namely universities and faculties, always carries out intensive coaching for young lecturers who have been recruited in the context of implementing the Tri Darma of Higher Education; (2) The quality of a lecturer is obtained through a long process since his early days as a lecturer which can be achieved through seriousness, focus, and consistency through a continuous coaching process. The qualities possessed by a law faculty lecturer also contribute to shaping the mindset, understanding, and competence of students that have an impact on *output* graduate. The further impact of the *output* of this graduate is the extent to which a university graduate can be absorbed in the world of work, be it in Ministries, Institutions, Agencies or Regional Governments, as well as in private agencies.

Keywords : Lecturer, Faculty of Law; Quality; and OutputGraduate.

INTRODUCTION

The contents of the Preamble to the 1945 Constitution of the Republic of Indonesia are philosophically the noble values and mandates and ideals of *the founding fathers*. This commitment confirms that Indonesia is a country that adheres to the understanding of a welfare state law or "*welfare state*". The characteristic of a welfare law state is that it provides services to various aspects of life such as politics, social, culture and economy

to society.¹ The function of the state in understanding the welfare state according to Wolfgang Friedmann includes: the function of the state as a guarantor (*provider*) of public welfare, the function of the state as a *regulator (regulator)*, the function of the state as an entrepreneur (*entrepreneur*), and the function of the state as a referee (*umpire*).²

In the fourth paragraph of the Preamble to the 1945 Constitution of the Republic of Indonesia contained four promises of independence which also became a national goal, among others: (1) protecting the entire Indonesian nation and all Indonesian blood; (2) promote public welfare; (3) educating the nation's life; and (4) to participate in implementing world order based on freedom, eternal peace and social justice. One of the national goals is to promote public welfare, which implies duties, obligations and responsibilities that the manifestation of advancing the general welfare of all Indonesian people rests on the shoulders of the state. One of the real efforts in realizing this general welfare is through the availability of employment opportunities, especially for citizens who are in the category of the labor force. However, the availability of jobs is closely related to the *output* produced by higher education, where some of the workforce are *fresh graduates*. It becomes a big question mark whether college graduates have the readiness to enter the world of work or are experiencing a dilemma due to limitations or suitability of competencies and opportunities.

In line with this, the current era of the job market is no longer oriented towards academic degrees, but rather on the qualities they have. This is clearly illustrated by the results of research conducted by Tony Kurniawan (2015) from *Survey One*, a marketing research institute with a very firm writing topic, namely Selling Quality, Not Title. The results of this research confirm that in the world of work, quality is the determining parameter, while academic degrees and grades are supporting considerations in job selection assessments.³ Talking about the quality of college graduates, according to Charlie (2009), there is a symmetrical relationship with the support of adequate campus facilities, strict admissions selection, quality teachers, and good learning methods. Besides that, the factor of *soft skill* students is also one of the determinants in supporting the work success of university alumni. Meanwhile, related to the character of graduates, family and community factors and campus life have a significant influence.

In the context of the world of law, university alumni, especially law faculty must have five abilities, namely: the ability to proceed in court, be able to formulate *legal* opinions, can be *legal drafting* (regulation drafting techniques), can *contract drafting* and can negotiate or *alternatives. dispute resolution*. Without having these five things, it will be difficult for alumni of the Faculty of Law to be accepted into the world of work. From the

¹ Hotma P. Sibuea, *Principle of Law, Policy Regulations & Principles of Good Governance*. Surabaya: Erlangga Publisher, 2010, p.37.

² State function include: (1) *provider of social services*; (2) *regulator of private economic activity, through the licensing of investment, the management of exchange controls, and the like*; (3) *entrepreneur of a nationalized public sector*; and (4) *umpire, seeking to meet the community's standard of justice in resolving conflicts and competing claims to economic resources, privileges and opportunities*. Wolfgang Friedmann, *The State and The Rule of Law in A Mixed Economy*, (London: Steven and Sons, 1971), p.3.

³ 4. Sartono Sahlan, *et.all. Continuing Legal Education Program Needs For Law Faculty Students*, Volume 10 No.2 December 2015, p.234.

results of another Online Law survey (2003) of a number of *Law Firms*, it shows that Law Faculty (FH) graduates are not ready to use because they only master theory. When they are faced with a case, they do not know how to apply the theory they have got to solve a case. The FH graduates are also weak in conducting analysis. Moreover, the analysis of a case consists of several different legal aspects. According to DhiraJuzar from WiriadinataWidyawan, one of the top *Law Firms* in Jakarta, throughout his experience in recruiting, FH graduates can fluently about the contents of laws and legal theories. However, regarding the case, they are confused about how to apply the rules. Furthermore, Dhira said that this was due to the theoretical teaching pattern at Faculty of Law, lack of practical direction, and did not stimulate students to do analysis, but only memorized.

This is in line with what Dhira said about the teaching pattern at FH, which intersects with what Charlie stated that there is a symmetrical relationship with the support of adequate campus facilities, strict admissions selection, quality teachers, and good learning methods which ultimately determine quality. college graduate. However, the symmetrical relationship that shapes the quality of graduates cannot be separated from the existence of Human Resources, namely qualified lecturers. A qualified lecturer on the one hand will be able to find the right learning method for students, and on the other hand, through his integrity and ideas, he can educate seriously and influence the realization of adequate campus facilities and policies towards measurable student admission selection. Lecturers with quality, ideally produced by quality recruitment and continuous coaching. Because the curriculum is as great as it is, with lecturers who have no motivation or even the ability to interpret the curriculum, it is certain that it will be difficult to present a good learning method which in the end has a significant effect on the output of graduates.

In other words, a lecturer who will be recruited not only has a master degree's, but also must have a minimum standardization that can be cultivated in the development process in the internal sphere of the institution after they are accepted into a law faculty. This is very important, because how can a lecturer carry out public services as well as possible, if the person concerned, for example, does not have sufficient quality to transform, develop, and disseminate knowledge to students through the Tri Darma of Higher Education. Based on this description, the focus of this article is why does the recruitment process for lecturers have a strong correlation with the quality of public services? how does the quality of law faculty lecturers affect *output* graduate?

This research was conducted using the Normative Juridical approach.⁴ In this study, the assessment is carried out based on legal norms and principles, applicable laws and regulations and other library materials relevant to the research topic. Normative legal research which is also called doctrinal legal research or document study is shown only in written regulations or other legal materials⁵. The method used to understand the problems in this paper is the qualitative data processing method.⁶ Then the data used in this research is secondary data, namely data obtained from the literature. The secondary data referred to in this research are:

⁴ Soerjono Soekanto and SryMamuji, 1994. *Normative Legal Research*, Cet 4, PT, Jakarta: *Raja Grafindo Persada*, p. 6.

⁵ Bambang Waluyo, 1991. *Legal Research in Practice*. Sinar Grafika.

⁶ Soekanto Soerjono, 1986. *Introduction to Legal Research*, Jakarta: University of Indonesia,

- a. Primary Legal Materials, namely data whose contents have binding power to society, namely statutory regulations.
- b. Secondary Legal Materials, namely legal materials which explain primary legal materials. In this writing, the Secondary Legal Materials used are books related to and used as references as well as articles from electronic media.

This research method is used considering that the problems that are the object of research by the author are problems that rotate in statutory regulations where these regulations are relevant from one regulation to another and their relation to implementation and findings in the field.

II. DISCUSSION

Lecturer Recruitment and Its Correlation to The Public Services

Word "lecturer" comes from the Dutch word *docent* which means concocting. Lecturer in English, *lecturer* which means reader. Meanwhile, based on Law no. 14 of 2005 concerning Teachers and Lecturers, lecturers are professional educators and scientists with the main task of transforming, developing, and disseminating science, technology, and arts through education, research, and community service.⁷ Data from the Higher Education Database (PDDIKTI) states that there are 370 State Universities (PTN) in Indonesia. Meanwhile, for private universities (PTS) there were 4,043 universities. Likewise with the number of lecturers. According to the national recap of the 2015/2016 even semester by PDDIKTI, it was stated that the number of lecturers at state universities was only 90,742 lecturers. This figure is quite small when compared to the private university lecturers, which amounted to 160,159.⁸

Undang-Undang no. 14 of 2005 sees lecturers as a profession. Profession itself is a form of work that requires the perpetrator to have certain knowledge obtained through formal education. If a lecturer is seen as a profession, it will require a lecturer to have special knowledge and expertise. So that in carrying out his profession, ethics are needed that regulate the implementation of lecturer duties. Because ethics has a role in ensuring the quality of services provided to the academic community.⁹ An analysis of the research results proves that there is a significant effect of professional ethics on professional commitment. The dimension of responsibility is the dimension that has the greatest influence on professional commitment to lecturers [Wartini, 2011]. While the inhibiting factor is time. Lecturers generally already have awareness of professional certification, but are still constrained by several things that are considered more important than professional certification, so that most lecturers plan for professional certification in the long term.¹⁰

The lecturer profession is seen as a relatively tough job but has a relatively low financial side. The word "lecturer" is often synonymous with a hard job with an income of one cent. Exorbitant work with a paycheck of one thousand. This is often a classic but very realistic reason, which makes it difficult for lecturers to develop their own competence and career. Lecturers are deemed unable to devote all their attention to focus on their

⁷ GatutRubiono andNuridaFinahari, 2017, *Lecturer: Simple Profils in Complicated Professions*, Journal of Higher Education System Analysis, Vol 1 No.1 Year 2017, p. 11 – 12.

⁸ *Ibid.*

⁹ *Ibid*

¹⁰ *Ibid.*

work for various reasons so that the role of service to students and society has not shown professional standards in accordance with functional positions. This is because there are still many lecturers who work from one place to another with very little time and a lot of workload [Yahya Z, 2014].¹¹

Therefore, given the urgent role that each lecturer has, it is necessary to know how the practice of lecturer recruitment has been going on so far. This aim is not only limited to highlighting the recruitment process, but also to provide certain notes to be used as recommendations for the development of recruitment mechanisms in the future. In line with the description above, there are two recruitment pathways in the acceptance of lecturers at the law faculty, namely the CPNS Test path and the recruitment path from private universities. From the CPNS Test route, the policy of determining national needs refers to considerations *zero growth*, namely the policy of determining the need for CPNS procurement, one of which is recruiting new employees by considering the number of employees who have quit.

In general, the recruitment of PNS Lecturers is carried out simultaneously with the CPNS Selection stage in almost all Ministries, Institutions, and Regions in a certain period. All these stages must be passed until finally the applicant is accepted as a Civil Servant (ASN) as regulated in Government Regulation Number 11 of 2017 concerning Civil Servant Management. The following are the stages of recruitment on the CPNS Test Path, including one for Lecturer formation:

1. Announcement of CPNS acceptance CPNS
2. Registration
3. Announcement of Administration
4. Basic Competency Selection (SKD)
5. Field Competency Selection (SKB)
6. Announcement of Graduation
7. Filing.

After the CPNS stage, a CPNS Lecturer obtains a SK TMT (Calculated Starting Duty) from the Ministry, and an SPMT SK (Order to Carry Out Tasks) from the College as the basis for the commencement of a term of service. The following is the flow regarding the recruitment of PNS lecturers through the CPNS selection stage based on Government Regulation Number 11 of 2017 jo. PP Number 17 of 2020 concerning PNS Management:

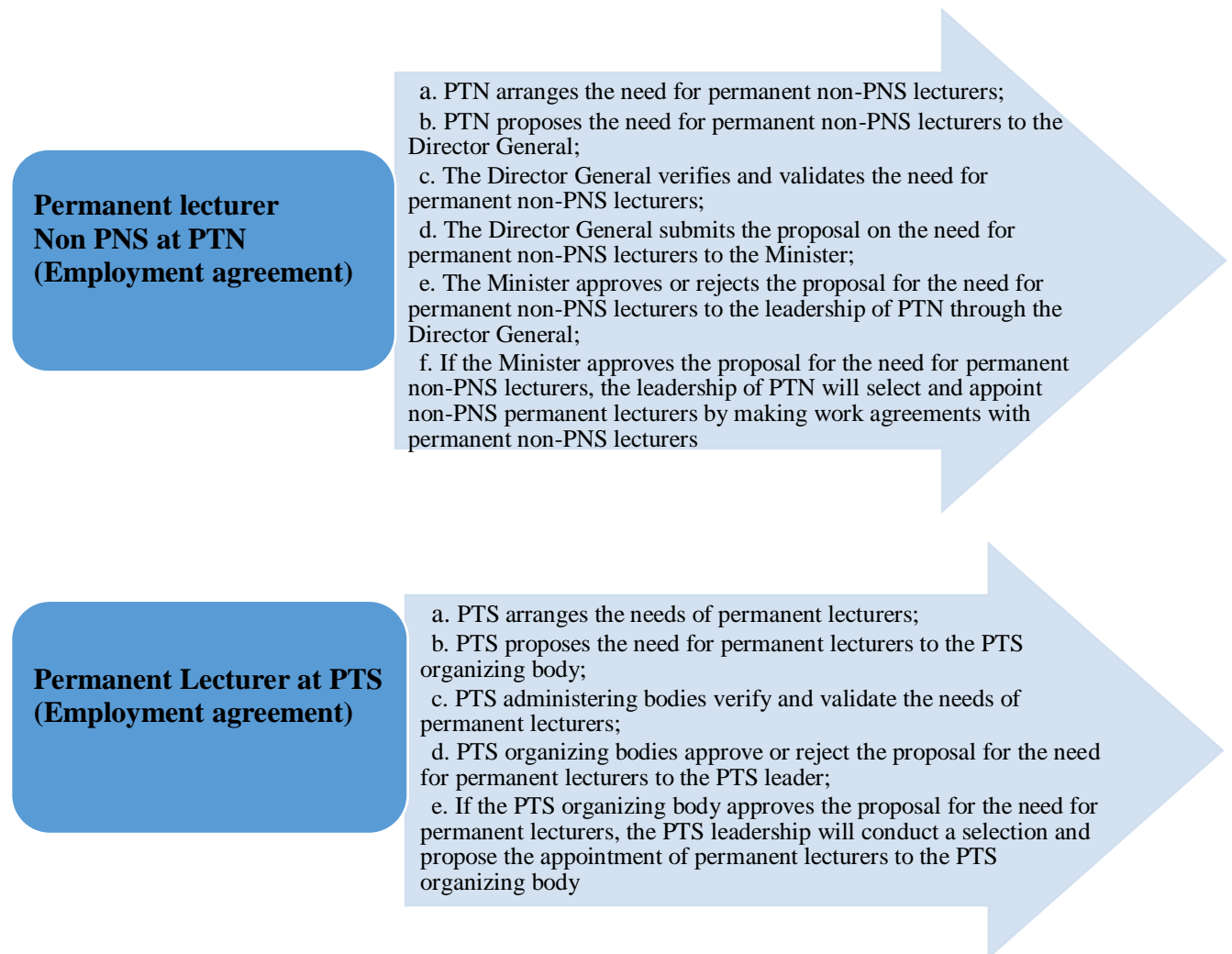


(Figure 1. Flow of PNS Lecturer Recruitment)

Meanwhile, the provisions regarding the appointment of lecturers with a work agreement by the college can refer to the Regulation of the Minister of Education and Culture Number 84 of 2013 concerning Appointment of Permanent Lecturers for Non-Civil Servants at State Universities and Permanent Lecturers at Private Universities. The

¹¹ *Ibid.*

following is the flow of the recruitment of Permanent Non-PNS Lecturers at State Universities and Permanent PTS Lecturers:



(Figure 2. Recruitment Flow for Permanent PNS Lecturers at PTN and Permanent Lecturers at PTS)

Potential for Cheating in the CPNS Test The Lecturer Formation

Computer Assisted Test (CAT) formed in 2004, by going through various long stages such as conducting comparative studies, a series of studies, studies and other literature studies both domestically and abroad. CAT was formed by BKN, and at the same time the owner of the CAT brand is BKN.¹²

In supporting bureaucratic reform for the realization of *good governance*, then CAT is also used in employee selection and job selection within ASN. CAT is also used for career development, such as selection for filling high leadership positions (JPT), administrative positions (JA) and functional positions (JF). CAT is also used in the selection of candidates for public service agency (BLU) employees and non-PNS lecturer candidates.¹³

¹² ASN Recruitment System Development Center, Computer Assisted Test System Based Employee Selection, Year 2017, p.23.

¹³ *Ibid.*, p.24.

CAT is a system developed in assisting exams by using a computer as a tool in obtaining a minimum standard of basic competence or a standard of staffing competencies. As for the purpose of this CAT itself is, to accelerate the process of examining reports of exam results, to create universal standardization of test results, to set threshold values, objectively, transparency, accountability and efficiency.¹⁴

The characteristics of the CAT system include:¹⁵

- 1) The computer provides all TKD question material consisting of TWK, TIU and TKP;
- 2) Participants will later get different questions from other participants;
- 3) The assessment is carried out objectively because it is systemized in CAT;
- 4) Test takers can see the remaining time available on the monitor screen at any time during the exam;
- 5) CAT is made as easy as possible. So as not to make it difficult for the test takers to do the questions; and
- 6) test takers can immediately see the test results on their respective computer screens after completing the exam.

Based on the description regarding the CAT system, actually there is nothing to worry about in implementing the CPNS Test, especially for lecturer formation. However, of all the stages of the CPNS Test, SKB (Field Competency Selection) is still a gap that accommodates fraud. SKB for Lecturer formation which is implemented in work units, namely universities, there are health tests, substance tests in the field of science, micro teaching, and interviews. This gap can occur in the subject matter test of the field of science that is not carried out using the CAT system, *micro teaching*, and interviews. It is said that there is a loophole in cheating, because the weight of the SKB's assessment of 60% can drop competitors in the same formation even though the SKD value obtained is much higher. Moreover, the SKB score is conveyed by the work unit to the BKN as the basis for integrating the final passing score which determines whether a participant will pass or not.

PTS Permanent Lecturer Recruitment Policy

If guided by Permendikbud Number 84 of 2013 as also described in previous descriptions, the appointment of Permanent Civil Servant Lecturers at PTN and Permanent Lecturers at Private Universities can be said to be running according to procedures based on the laws and regulations applies. However, it is not possible to ascertain the presence of familial elements, even though at the same time still implementing a quality-based recruitment mechanism. The problem then lies in the intention, quality commitment, and individual quality, as well as how the work units, namely colleges and faculties in it, always carry out intensive coaching for the young lecturers who have been recruited, both PNS Lecturers, Non-PNS Permanent Lecturers at State Universities and Permanent Lecturer at PTS. It can be imagined if someone registers as a lecturer just for the reason of wanting to get a job where coincidentally he has a good master's degree and intelligence. Let's say that the initial intention was just trial and error and then successfully straightened out by the system and institutional rules, but it is not always possible to guarantee whether in a university a comprehensive guidance system has been built for young lecturers. These factors can then affect the

¹⁴ Quoted from the book *CAT BKN for Indonesia*, p. 27.

¹⁵ Quoted from the book *Implementation of Basic Competency Tests With The CAT BKN System*, CPNS Selection for General Applicants, p.5.

quality of public services in higher education because they have direct implications for students and in turn affect the *output of graduates*.

Urgency of Public Services in the Scope of Higher Education

Referring to the provisions of article 1 Number 3 of Law Number 30 of 2014 concerning Government Administration it is stated that Government Agencies and / or Officials are elements that carry out Government Functions, both within the government and other state administrators. The context of "other state administrators" referred to in the norms of this article is one of which is the profession of lecturers, among others, in carrying out government functions in the path of educating the nation's life through the Tri Darma of Higher Education, namely education and teaching, research, and community service. Therefore, considering the importance of lecturers as an element of state administrators, the recruitment of lecturers cannot be underestimated, let alone carried out by ignoring quality. It can be imagined the fate of this nation in the future, if the lecturers recruited do not have the intention and quality commitment to the implementation of education through public services.

In line with the description above, there are actually policies related to public services in the scope of higher education, namely the Regulation of the Minister of Research, Technology and Higher Education Number 44 of 2015 concerning National Higher Education Standards consisting of national education standards, national research standards, and national standards. community service, plus administrative standards. These four National Higher Education Standards will only serve as a framework for goals that are difficult to achieve, when universities are limited to recruiting less qualified human resources.

Quality of Law Faculty Lecturers in Influencing Output Graduates

There are several provisions that regulate the requirements for registering and then being appointed as PNS Lecturers, Permanent Non PNS Lecturers and Permanent PTS Lecturers. For PNS Lecturers who pass through the CPNS Test gate, namely in Article 23 PP Number 11 of 2017 concerning Civil Servant Management it is stated that the maximum age is 35 (thirty five) years at the time of application. However, the age limit may be exempted for certain positions, one of which is for applicants for Lecturer formation, which is a maximum of 40 (forty) years. Furthermore, Permendikbud Number 84 of 2013 especially in article 3 regulates general and specific requirements for everyone who can be appointed as permanent non-civil servant lecturers and permanent private university lecturers, namely at the maximum age of 50 (fifty) years. So it can be said that in addition to having the minimum academic qualifications of a master's degree program graduate or equivalent in the field of science and technology in accordance with the field of assignment, an Indonesian citizen can become a lecturer up to 40 years old for PNS Lecturers and 50 years old for Non-PNS Permanent Lecturers and Dan Permanent Lecturers of PTS. In other words, that to become a lecturer, it can be reached the fastest at the age of 25 years, namely the average age of S2 graduates who continue their studies immediately after graduating from S1, until a maximum of 50 years old.

With regard to these minimum requirements, in fact it is not a problem for every university in capturing qualified human resources for prospective lecturers. The

problem only arises when each individual has entered the institution as a young lecturer where it is not uncommon to find quite a number of young lecturers who find it difficult to obtain the Expert Assistant Functional Position because they do not have articles as a mandatory requirement for Expert Assistant submissions because they are not accustomed to writing. This in turn becomes a mounting problem both for the individual junior lecturers and for the institution. Especially if the lecturer is then apathetic towards the Tri Darma Perguruan Tinggi.

In line with this, referring to Law Number 14 of 2005 again states that lecturers are a profession. Profession itself is a form of work that requires the perpetrator to have certain knowledge obtained through formal education. If a lecturer is seen as a profession, it will require a lecturer to have special knowledge and expertise.¹⁶ With the minimum standard of Masters education (S2), every newly recruited lecturer is considered to have certain knowledge. However, what is meant by special expertise is that there are no valid parameters apart from the existence of an Educator Certificate which is formal evidence as recognition given to lecturers as professionals.¹⁷ The special expertise is of course related to the flight hours of each lecturer achieved through the implementation of the Tri Darma Perguruan Tinggi since he was accepted until he was retired.

If every junior lecturer carries out the Tri Darma Perguruan Tinggi seriously, then we can be sure that special skills will be obtained at a later time because when a lecturer is serious and focuses on educating and teaching, of course there is a process of search and discovery, be it methods, construction of ideas, or substantial depth. Not to mention if he is also serious and focused on research and community service. Especially for law faculty lecturers, who are required to have substantial depth in the field of law in accordance with their respective concentrations of specialization in their respective fields of knowledge.

Substantial depth becomes urgent not only so as not to embarrass the institution, but also serves as a quality commitment and a process of transformation and development of knowledge, especially in the field of law. For example, when the State Administrative Court of a Regency / City asks Expert Witnesses to law faculty institutions, or asks to be a speaker in an FGD (*event Focus Group Discussion*), compiling an Academic Manuscripts from a Draft Regional Regulation or Bill, and so on.

With regard to the above explanation, based on empirical data found, it can be seen that there are several issues that can hinder the success of higher education in implementing the Tri Dharma of Higher Education, namely:¹⁸

- 1) Inadequate Facilities and Infrastructure in Higher Education;
- 2) Not yet optimal performance of educators and education staff;
- 3) Not Well Organized Higher Education Management;
- 4) Not yet optimal quality of university graduates.

The four points can be optimal and well organized when the sub-unit of education, in this case the law faculty, has human resources recruited through an accountable and

¹⁶ *Loc.cit.*

¹⁷ Article 1 Number 5 U Government Regulation Number 37 of 2009 Concerning Lecturers.

¹⁸ Sri Yuliawati, *Study of The Implementation of The Tri Darma of Higher Education as a Phenomenon of Higher Education in Indonesia*, Journal of Education Year 29 Number 318 March 2012, p.28 – 29.

sustainable recruitment system. Because, if you don't have lecturers who are serious and focused on educating and teaching, the substance will never be conveyed to the students. Not to mention if he only made the field of research in order to obtain a Research Grant or simply aborted the obligation to fulfill the BKD (Lecturer Workload) only. In this context, the writer would like to underline that the quality of lecturers, namely serious, focused, and having depth of substance will affect how the *output* of a college graduate.

Therefore, the dilemma faced by *fresh graduates* is not only caused by the limited or suitability of the competencies and opportunities they have, it is also closely related to academic culture during the process of completing their studies. Which one intersects more with him, the lecturer who really gives meaning, both to the depth of the substance by educating from the heart, or actually meeting more lecturers who teach limited to presenting material on *Microsoft Power Point* in "oration" (ora ono content) ? Furthermore, it can be guessed how the quality of graduates produced if there are still lecturers who do not have integrity towards the institutions and the fate of education in this country.

III. CONCLUSION

Based on the description that has been presented above, the authors can conclude the subject, among others, as follows:

1. The recruitment process of lecturers for PNS Lecturers, Permanent Lecturers for Non Civil Servants and Permanent Lecturers for PTS can affect the quality of public services at the university scope. This is based on several factors, including: intention, quality commitment, individual quality, and how work units, namely universities and faculties, always carry out intensive coaching for young lecturers who have been recruited so that they are more focused in implementing the Tri Darma of Higher Education.
2. The quality of a law faculty lecturer is obtained through a long process since the early days of being accepted as a young lecturer which is achieved seriously, focused, and consistently through a continuous coaching process. This quality is illustrated when a lecturer implements the Tri Dharma of Higher Education which in turn will have an impact on how students understand when and after receiving lectures, during thesis guidance, and during the study process. In turn, students' understanding of a field of science will be seen when they graduate as *fresh graduates* who are ready to respond to the world of work or experience a dilemma due to a lack of competence and opportunities. The further impact of the *output* of this graduate is how graduates of a university can be absorbed in the world of work, be it in Ministries, Institutions, Agencies or Regional Governments, as well as in private agencies.

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