

Perubahan Status Perguruan Tinggi Negeri Pasca Putusan Mahkamah Konstitusi No. 11-14-21-126-136/PUU-VII/2009 Terkait Judicial Review UU Badan Hukum Pendidikan = The Change of State Universities Status post Constitutional Court Decision Number 11-14-21-126-136/PUU-VII/2009 related to Judicial Review the act of Educational Legal Entities

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Abstrak

[<b>ABSTRAK</b><br>

Mahkamah Konstitusi membatalkan UU nomor 9 Tahun 2009 tentang Badan Hukum Pendidikan (BHP) karena dinilai melanggar UUD NRI Tahun 1945. Negara bertanggungjawab atas pengaturan pengelolaan Perguruan Tinggi dalam menyelenggarakan pendidikan tinggi untuk mencerdaskan kehidupan bangsa, sedangkan warganegara dapat berpartisipasi dalam penyelenggaraan pendidikan tinggi. Perguruan Tinggi sebagai lembaga yang menyelenggarakan Pendidikan Tinggi Penelitian dan Pengabdian kepada Masyarakat, harus memiliki otonomi dalam mengelola sendiri lembaganya. Mengenai konstitusionalitas bentuk badan hukum pendidikan, Mahkamah mempertimbangkan bahwa tidak ada yang menunjukkan hilangnya kewajiban negara terhadap warga negara di bidang pendidikan, Akan tetapi Mahkamah berpendapat, istilah ?badan hukum pendidikan? sebagaimana dimaksud dalam Pasal 53 ayat (1) UU Sisdiknas bukanlah nama dan bentuk badan hukum tertentu, melainkan sebutan dari fungsi penyelenggara pendidikan yang berarti bahwa suatu lembaga pendidikan harus dikelola oleh suatu badan hukum. Selain PTN Badan Hukum, juga ada PTN Badan Layanan Umum (BLU). PTN dengan Pengelolaan Keuangan BLU bertujuan untuk meningkatkan pelayanan kepada masyarakat (public services) dalam rangka memajukan kesejahteraan umum dan mencerdaskan kehidupan bangsa dengan memberikan fleksibilitas dalam pengelolaan keuangan berdasarkan prinsip ekonomi dan produktivitas, dan penerapan praktek bisnis yang sehat yaitu penyelenggaraan fungsi organisasi berdasarkan kaidah-kaidah manajemen yang baik dalam rangka pemberian layanan yang bermutu dan berkesinambungan.

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<b>ABSTRACT</b><br>

Constitutional Court revoked the Act No. 9 of 2009 on Educational Legal Entities (BHP) due to violate the NRI Constitution of 1945. State is responsible for regulating the management in organizing undergraduate study to educate life of the nation; meanwhile the citizens are able to participate in undergraduate study. University as an institution that organizes the Research undergraduate study and Community Service should have an autonomy in managing their own institution.

Regarding the constitutionality of the legal entity level, the Court considers that there is nothing to indicate the loss of the state's obligation to the citizens in the field of education, however the Court argued, the term "Educational Legal Entities" as referred to Article 53 paragraph (1) of the Law on National Education System is not the name and certain forms of legal entities, but the designation of the function of education administrator which means that an educational institution should be managed by a legal entity. Besides Legal Entity of State Universities, there is a Public Service Agencies of State Universities (BLU). State Universities with BLU Financial Management aims to improve services to public in order to promote the general prosperity and educating the nation by providing flexibility in financial management based on the principles of economics and productivity, and the application of healthy business practice which is providing organizational functions based on the principles of good management in quality service delivery and continuously.;Constitutional Court revoked the Act No. 9 of 2009 on Educational Legal Entities

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