

Perizinan Pendirian Perguruan Tinggi Swasta Di Kementerian Pendidikan, Kebudayaan, Riset, Dan Teknologi Ditinjau Dari Good Governance Berdasarkan Undang-Undang Nomor 25 Tahun 2009 Tentang Pelayanan Publik = Licensing for the Establishment of Private Universities in The Ministry of Education, Culture, Research, and Technology in terms of Good Governance Based on Law Number 25 Year 2009 concerning Public Services

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Abstrak

Kementerian Pendidikan, Kebudayaan, Riset, dan Teknologi memiliki pelayanan publik perizinan pendirian Perguruan Tinggi Swasta (PTS), yang sudah dilakukan dengan bantuan sistem informasi atau dilakukan secara daring. Penerapan pelayanan publik seharusnya berdasarkan asas penyelenggaraan publik yang diatur dalam Pasal 4 Undang-Undang Nomor 25 Tahun 2009 tentang Pelayanan publik, serta asas-asas umum pemerintahan yang baik, sehingga terlaksananya good governance. Penelitian tesis dengan metode yuridis normatif ini berkesimpulan bahwa asas penyelenggaraan publik, belum sepenuhnya dilaksanakan dalam proses pelayanan publik perizinan pendirian PTS, terutama asas tidak diskriminasi yang terkait dengan diskresi dan asas fasilitas. Asas-asas penyelenggaraan publik tersebut yang belum diterapkan sepenuhnya menimbulkan beberapa implikasi yang menjadi kendala pada saat proses perizinan pendirian PTS tersebut, diantaranya perlakuan yang tidak sama untuk beberapa usulan karena diskresi, adanya gugatan dari pengusul pendirian perguruan tinggi swasta, terbatasnya jaringan internet, kemampuan digital literasi masyarakat, sumber daya manusia pelaksana pelayanan publik, serta anggaran untuk memberikan pelayanan publik secara optimal. Selain itu, pelayanan publik tersebut diawasi secara eksternal oleh Ombudsman Republik Indonesia. Berdasarkan hal tersebut, penerapan asas-asas pelayanan publik diperlukan sebagai rambu-rambu dalam penyelenggaraan pelayanan publik perizinan pendirian perguruan tinggi swasta sehingga terciptanya penyelenggaraan good governance.

.....The Ministry of Education, Culture, Research, and Technology has a public service for licensing the establishment of Private Higher Education (PTS), which has been carried out with the help of an information system. The implementation of public services should be based on the principles of public administration as regulated in Article 4 of Law Number 25 of 2009 concerning Public Services, as well as general principles of good governance. The thesis research using normative juridical method concludes that the principle of public administration has not been fully implemented in the public service process for licensing the establishment of PTS, especially the principle of non-discrimination related to discretion and the principle of facilities. Thus, have led to several implications that became obstacles, such as unequal treatment for some proposals due to discretion, lawsuits from the proponents of establishing PTS, limited internet network, digital capabilities. public literacy, human resources, as well as budgets to provide optimal public services. In addition, these public services are monitored externally by the Ombudsman. Based on this, the application of the principles of public services is needed as signs in the implementation of public services for licensing the establishment of PTS so that good governance is implemented.