The Combination of Normative Juridical Methods and Literature in Educational Administration Research

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ABSTRACT

Educational problems in the life of society and the nation, including educational administration, often require the use of research approaches and methods commonly used in other fields of science. The study of educational administration covers the area of study not only regarding administrative or management functions in education, but also other areas of study such as education policy, human resources, information systems and finance. Using the library method, it is known that research in education administration studies generally uses quantitative, qualitative, mixed quantitative-qualitative, and evaluative approaches/methods. Through a policy analysis approach, which originates from public policy studies, issues regarding education policy as part of education administration can focus on analyzing the substance of the policy in the form of state/government regulations that have been set by policy makers. Various educational policies that have been stipulated by the state/government, are areas of study for policy analysts so that they can be identified as belonging to the category of good policies or bad policies. Normative juridical methods commonly used in the study of law can be adapted as a methodological alternative in education administration research, which is combined with the library method.

Keywords : *methods, research, normative juridical, educational administration.*

1. INTRODUCTION

The contribution of education to the progress of a nation is very large, so that the development of the education sector has always been a serious concern for policy makers in various countries. In accordance with the mandate stated in the fourth paragraph of the Preamble of the 1945 Constitution, that one of the functions of the state is to educate the life of the nation, various policies or programs have been established. In accordance with its authority, the state, based on the provisions of Article 31 of the 1945 Constitution, has stipulated several laws, namely Law Number 20 of 2003, Law Number 5 of 2014, and Law Number 12 of 2012. Because it relates to the public interest, namely national education, teachers and lecturers as well as higher education, then basically these three laws are public policies. Everything is a product of political and administrative processes, which take place in the order of political infrastructure and political superstructure. At the government level, many policy actors and policy institutions are involved in accordance with the authority attached to them and based on the constitution and laws and regulations. One of the fields of knowledge related to this phenomenon is public policy, as one of the core competences in political science, government science and public administration study programs in various universities. In addition, several tertiary institutions have education administration study programs. Ontologically, the study of educational administration is basically concerned with the process of cooperation between humans in organizing and managing organizational resources to achieve educational goals.

In the study of public policy, education is one of the substantive areas formulated and legitimized by policy actors at the state or government level according to their authority. Therefore, the theory that has been studied, explored and developed in public policy courses is an academic substance that contributes to the development of educational administration. In several universities. some of which appear in the curriculum structure, namely education policy courses or education policy analysis. Several problems in the field of education so far have become policy issues that can be a focus or an interesting area of research to study, including the career development of lecturers in the form of further study

assignments to doctoral programs. As is generally a public problem, the problem of education is in fact not a single phenomenon, but is something that is intertwined with other factors in people's lives. In this context, it can be understood when researchers find that the substance of the problems studied in the education policy analysis course is a scientific transdisciplinary research analysis, at least multidisciplinary. This is because the analysis or research carried out will involve and integrate experts in the fields of political science, government science or public administration science with education science, especially education administration science or education management. Epistemologically, most of the research or analysis carried out uses quantitative, qualitative, mixed and evaluative methods/approaches. The use of certain research methods basically depends on the nature of the research problem, the objectives and the level of research to be carried out. Therefore, the material discussed in the study or analysis of education policy will be correlated with various products of laws and regulations on education. In this regard, the use of normative juridical methods combined with library methods is an alternative in the development of educational policy studies or analysis. This normative juridical method is usually widely used in legal studies, both in pure research and applied research. Therefore, its use in an integrated manner with the library method is a challenge and a prospective opportunity for education administration studies in responding to various public problems in this field of education.

This study aims to elaborate matters relating to research methods, normative juridical research methods, library research methods, education administration, educational policy analysis, as well as examples of the application of a combination of normative juridical research methods and library methods through educational policy analysis in developing the science of educational administration

2. RESEARCH METHODS

This study uses the library method, which focuses on various library materials in the form of books, journals and other scientific documents. The researcher collects all of the library materials, sorts and selects those that are relevant to the research topic, then analyzes them according to the research objectives. This library material consists of all literature or documents on public policy, educational administration, and policy analysis. In addition, documentation techniques are also used by examining various laws and regulations that are relevant to the research topic.

3. RESULTS AND DISCUSSION

3.1. Research and Research Methods

In simple terms, research is a way of going about finding answers to questions [1]. Research according to Kothari and Gaurav Garg shows that there are systematic and scientific efforts to seek and find knowledge according to certain topics, which are basically scientific investigations. [2]. Research according to T. Hillway is basically a method of study by a researcher who is intended to be a way out of a research problem that is of concern to him. [3]. Research is a series of systematic steps to collect and analyze data so that it becomes useful information according to the stated research objectives [4].

Research according to Article 1 number 10 of Law Number 12 of 2012 concerning Higher Education is essentially a systematic activity to obtain data and information according to certain topics in science and technology. Research according to Article 1 number 6 of Law Number 11 of 2019 concerning the National System of Science and Technology, is basically an activity of the scientific method through data and information regarding social and/or natural phenomena, which are based on assumptions and hypotheses on certain issues, so as to obtain truth and conclusions .

Research methods (sometimes called "methodology") are essentially activities to collect and analyze data, through reliable methods and procedures for searching and discovering knowledge, through measurement techniques, interviews, observations and document collection. [4]. The research method is a scientific mechanism or procedure for collecting the necessary data based on the objectives and uses expected by the researcher concerned, with several characteristics, namely rational, empirical and systematic [5].

Thus, the research method is a procedure and technique carried out by a researcher to achieve research objectives in accordance with the formulation of a predetermined research problem. Procedure in the sense that there are a series of activities that a researcher must go through consistently, starting from the very first stage, namely being interested in a phenomenon that bothers his mind, to the stage of drawing conclusions from the research. Techniques in the sense of a certain way by using certain instruments to carry out research stages, for example data collection techniques, which can use questionnaires or observation guidelines. .

The normative juridical research method is one of the methods commonly used in the science of law. According to Soekanto and Sri Mamudji, this research is research in the field of law studying various sources of literature or secondary data, or research on library law. Among them is the study carried out on aspects of regulatory

synchronization which are in a horizontal or hierarchical order. [6]. According to Marzuki [7], this research is classified as legal research. Research or library research according to Zed, is more than just a literature search to prepare a research framework but, to utilize the library sources to obtain research data [8]. However, there is a link between normative juridical research methods and qualitative research design types as stated by McMillan and Schumacher. He stated that legal analysis is a type of qualitative research design, and legal analysis focuses on selected law and court decisions to better understand "the law" and legal issues [4].

3.2. Education Policy Analysis

Discussion of education policy analysis will not be separated from the conceptual framework of public policy. One of the substantive areas [9] or key areas [10] or issue areas [11] of public policy is education. In other words, state/government policies in the field of education are directed as answers to problems that are actually experienced and felt by the public. As one work of the government, education with all kinds of problems certainly requires careful handling so that there are appropriate solutions for the wider interests of the nation. The publication of one type of educational policy or program is not something that comes suddenly, but has gone through a series of long processes, both in terms of political infrastructure and political superstructure.

Conceptually and empirically, education policy and educational policy analysis can be placed within the framework of public policy and education administration. In addition, educational policies can also be placed within the framework of organizational or institutional policies. In the context of educational administration, Sergiovanni et al stated that basically, policy is a process of communication and control within an organization based on certain authorities attached to individuals [12]. Education policy according to Carter V. Good is judgement, derived from some systems of values and some assessment of situational factors, operating within institutionalized education as a general plan for guiding decisions regarding means of achieving desired educational objectives [13]. Education policy according to Imron is a form of policy established by the state or government, so that its position is substantially an integral part of state policy in the public interest. [13]. Policy analysis according to Dunn is the activity of creating knowledge about and in the policy-making process. In creating knowledge about the policy-making process, policy analysts examine the causes, effects and performance of public policies and programs [11].

Some characteristics of policy analysis according to Patton and Sawicki (1986) (1) are stages of searching for a particular issue and scope; (2) a limited review of several alternatives that involve the client's interests; (3) preparation of several documents which can be in the form of memorandums, policy issue papers, or draft legislative body decisions; (4) there is a certain client's perspective on the policy issues studied, including executive officials, elected political officials, or interest groups who have concern for public issues; (5) as an alternative f which is oriented towards solving public problems; (6) there is a certain time frame and uncertainty as a result of discussions with elected officials, and (7) a political approach.

Various things must be considered by a policy analyst in initiating its activities. Patton and Sawicki mention that the following suggestions should help as you begin to undertake policy analysis: Learn to focus quickly on the central decision criterion (or criteria) of the problem; Avoid the tool-box approach to analyzing policy; Learn to deal with uncertainties; Say it with numbers; Make the analysis simple and transparent; Check the facts; Learn to advocate the positions of others; Give the client analysis, not decisions; Push the boundaries of analysis beyond the 'Policy Envelope'; and Be aware that there is no such thing as an absolutely correct, rational, and complete analysis [14].

Policy analysis according to Patton and Sawiki is a process which usually begins with a problem definition rather than the broader inventory phase of planning process. It also yields alternatives, but the final document is likely to be a memorandum, issue paper, or draft legislation. It has a specific client and a single point of view, a shorter time horizon and an open political approach. The final product of such a process is called a policy analysis [14]. According to Parson, policy analysis is analysis in and for the policy process: this incorporates the use of analytical techniques, research and advocacy in problem definition, decision making, evaluation and implementation [10].

Based on the opinions of several experts, Patton and Sawicki [14] put forward several other definitions of policy analysis, including (a). Walters William: as a way to process information, including research results to be given to policy makers in determining the future according to the type of information needed, (b). Dennis A. Rondinelli: is a complex process for analyzing and managing political conflicts in changes related to demands for change, (c). Jacob B. Ukeles: is a systematic review of several policy options that include factual support, including problem solving, and the use of information to predict future policies (d). Duncan MacRae, Jr. : as a choice set against several alternative policies that combine reasons and facts.

The stages of policy analysis according to Patton and Sawicki [14] are as follows
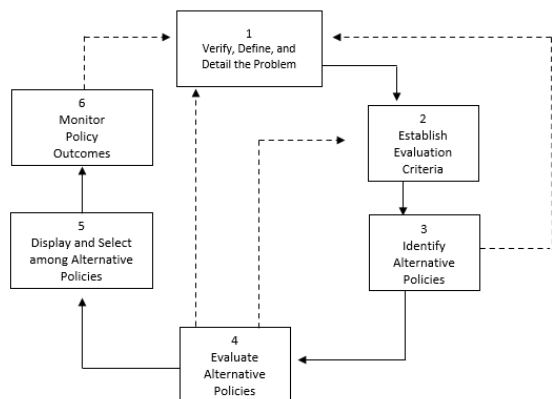
Figure 1. A Basic Policy Analysis Process

Stokey and Zeckhauser put forward a framework for policy analysis, namely (1) establishing the context, (2) laying out the alternatives, (3) predicting the consequences, (4) valuing the outcomes (5). Making a choice. [15]. Another expert E.S. Quade suggests that there are five elements in the policy analysis process, namely problem formulation, searching for alternatives, forecasting the future environment, modeling the impacts of alternatives, and evaluating (comparing and ranking) the alternatives [14].

According to Patton, the policy analysis method contains a series of systematic procedures to find answers to certain problems with specific objectives, which include basic research methods. The methodology used according to Dunn is a system of standards, rules, and procedures for creating, critically assessing, and communicating policy-relevant knowledge [16]. With a certain methodology, a policy analyst can conduct a study on certain aspects of a very broad public policy.

It is a fact that education policy can be examined by analyzing several components that are an integral part, as stated by Gerston [17], namely the existence of one or several specific issues that are of public concern, there are actors in government and community funds who deal with these issues, there are a number of resources that are mobilized to deal with issues and public problems, as well as levels of government. The aspects that are examined thus will relate to issues, public problems or certain policy issues which are actually something that is controversial. Likewise about actors who are in the community and government circles who are involved, have an interest and have a stake in the formulation and determination of policies. Prepared and deployed government organizational resources, both human and non-human, are also the focus of a policy analyst's study. Another component that a policy analyst can examine

relates to the level of government at which a policy is established.

A policy analyst, with reference to Dunn's opinion, can conduct an analysis at one of the five stages of public policy, namely agenda setting, policy formulation, policy adoption, policy implementation and policy evaluation [16]. Looking at the process, with reference to Howlett and Ramesh, this public policy has five stages, namely agenda setting, policy formulation, public policy decision making, policy implementation, and policy evaluation [18]. Anderson also mentions that there are five stages, namely problem formation, formulation, adoption, implementation, and evaluation [19].

Education policy analysis is basically an academic stage to examine one aspect of public policy, namely policy regarding education, which can be seen from the elements of the public policy system, public policy components, public policy categories, public policy hierarchy, and the stages of the public policy process. In addition, education policy analysis can also be linked to policy evaluation as the final stage of the public policy process.

Policy evaluation according to Howlett and Ramesh refers broadly to the process of finding out about a public policy in action, the means being employed and the objectives being served [18]. It was further stated that there are three categories of policy evaluation, namely administrative evaluation, judicial evaluation, and political evaluation [18]. One of these types of administrative evaluation is process evaluation, namely examining the organizational methods, including rules, and operating procedures, used to deliver programs [18]. This is where the importance of educational policy analysis contributes to the progress of the nation in the field of education.

3.3. Education Policy Analysis

Public policy, including public policy in education is not a single phenomenon that exists in a vacuum. Various state or government regulations regarding education that involve many actors and institutions as education policy stakeholders according to the level of government. The issuance of educational policies which then have the power of legality in the form of laws and regulations is a concrete manifestation of the response of the state/government to the demands of the policy environment which wants to get better educational services.

In other words, there is an interdependence relationship between education policy and the policy environment with education policy stakeholders. This is what Dunn refers to as the Policy System as The overall institutional

pattern within which policies are made [11], whose elements are three, namely public policy, policy environment and policy stakeholders. Referring to and adapting what Dunn put forward, educational policy in the form of various state laws and regulations and education programs is one of the elements of the Policy System. Likewise, the position of policy analyst is an element of the Policy System whose position is part of the policy stakeholders. Dunn argued that apart from policy analysts, other parties included in policy stakeholders include citizen groups, trade unions, political parties, government agencies.

Schematically this can be stated as follows:
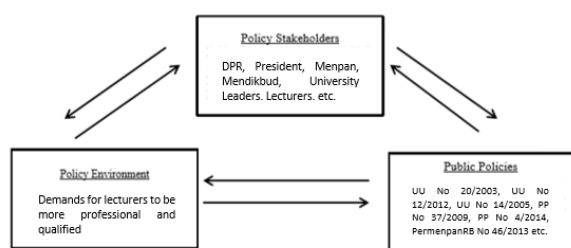
Figure 2 Policy System
Source: Adapted from Dunn (1981:47)

Patton and Sawicki stated that the position and important role of policy analysts are in all government institutions. Their work deals with various activities and functions of government at all levels in providing services to the community. [14]. A policy analyst with other parties who have a stake in a particular policy/program related to the public interest, is included in one of the elements that Dunn calls policy stakeholders because those concerned have an interest and have a certain role in the policy process according to their competence.

According to Arnold J. Meltsner, there are several types of policy analysts, namely the technician, the politician and the entrepreneur (Patton and Sawicki, 1986:20). It was further stated that the analyst type is a technician who is highly skilled in analysis as a researcher, the type of politician is an analyst who pays more attention to political activity, and the type of entrepreneur who has high ability in analysis and politics.

A policy analyst can work in various institutions, including at universities, as stated by Parson, namely academics or scientists in the fields of knowledge related to public policy and have an academic interest and concern for issues and policy processes, through their role in various research on policies. [10], namely academics who are interested in policy and problem areas and in the policy process. They are involved in personal research and competing for funds from grant-giving bodies [10].

Therefore, an academic with a background in educational administration can play the role of an educational policy analyst. Himself with his position as a scientist who transforms, develops and disseminates knowledge

through educational activities, research and community service, can make a major contribution to national development in the field of education, especially aspects of educational administration. This is in line with what was stated by McMillan and Sally Schumacher, that in relation to education policy studies, there are several educational research topics, including perceptions of attitudes toward educational policies, programs, and materials; policy-making and decision-making in education; policy-making organizations that influence education, such as the executive, judicial, and legislative branches of government, and special interest groups; history of a program, policy, or institution; and educational policies such as minimum competency testing, integration, and reorganization [4].

3.4. Application of Normative and Literary

Juridical Methods

In Indonesia, one aspect of education policy is the career development of lecturers, which includes promotion to the rank of lecturers. The national education policies that form the juridical basis in this regard include Law Number 20 of 2003 concerning the National Education System, Law Number 14 of 2005 concerning Teachers and Lecturers, and Law Number 12 of 2012 concerning Higher Education. In addition, PP Number 99 of 2009 concerning Lecturers, PP Number 12 of 2022, PP Number 37 of 2009, and PP Number 11 of 2017. As a national policy, this also applies to lecturers who serve in private tertiary institutions, including higher education institutions. religious.

More technically, it is stated in the Minister of Administrative and Bureaucratic Reform Number 17 of 2013 concerning Functional Positions of Lecturers and Their Credit Scores, the Minister of Administrative and Bureaucratic Reform Number 46 of 2013 concerning Amendments to the Regulation of the Minister of Administrative Reform and Bureaucratic Reform Number 17 of 2013 concerning Functional Positions of Lecturers and Numbers the credit; Joint Regulation of the Minister of Education and Culture and the Head of BKN Number 4/VIII/PB/2014, and Number 24 of 2014 concerning Provisions for the Implementation of Minister of State Apparatus Empowerment and Bureaucratic Reform Regulation Number 17 of 2013 as Amended by Regulation of the Minister of Administrative Reform and Bureaucratic Reform of the Republic of Indonesia Number 46 of 2013 concerning Functional Positions of Lecturers and Their Credit Scores, Ministry of Education and Culture Regulation Number 92 of 2014 concerning Technical Guidelines for Implementing Credit Score Assessment for Lecturer

Functional Positions, as well as Technical Guidelines for Implementing Credit Score Assessment for Lecturer Positions in 2019.

Hierarchically, by adapting Bromley's opinion about the policy hierarchy, the interrelationships between actors and policy institutions in the context of lecturer career development policies in the form of promotions, can be seen in the following figure
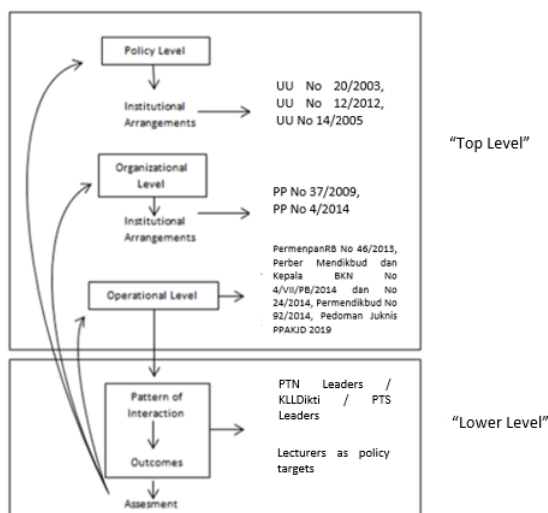
Figure 3 Hierarchy of Academic Position Policy
Source: Adapted from Bromley (1989:32-33)

Based on Bromley's opinion, an education policy analyst can examine hierarchical aspects and structural relations between policy makers regarding the management of lecturer promotions at various levels of the organization. Likewise, it can be analyzed about the patterns of interaction that occur in society, in this case at universities, when this policy is implemented by the government. Another thing that can be analyzed is related to the final stage in the form of an assessment of the impact of this policy, so that the alternative is very likely to be a revision of the policy that is being or has been implemented. Another example of contribution from public policy theory is about policy evaluation, including as stated by Anderson that policy evaluation is concerned with the estimation, assessment, or appraisal of policy, including its content, implementation and effects [19].

The substance of the policies contained in various laws and regulations and their derivative regulations is the focus of study by an educational administration student as an educational policy analyst. Based on the research method commonly used in law study programs, namely the normative juridical method, an education policy analyst can examine the content of various state/government regulations regarding this academic position. With it, it can be identified the possibility of policy content belonging to the category of bad policies, namely those that are confusing, overlapping, multi-interpretative, non-operational and contradictory. This is

in line with what Hill that there are 7 variations of policy analysis, one of which is a review of policy content, and a policy analyst focuses on the content of the policy with its various aspects. [20]. This can be enriched by the use of literary methods, so that the substance analysis of all state or government regulations can be integrated and complemented by analysis from literary sources in the form of books, journals, encyclopedias and other forms.

CONCLUSION

Educational problems can not only be solved by using scientific research using commonly used methods. This problem is related to public policies set by the state regarding various aspects in the field of education. The study of education administration through educational policy analysis has an important role academically to contribute as a solution to this problem. Policy analysts, especially those oriented towards educational problems, have an important role to play in contributing to providing solutions to these problems. The combination of normative juridical methods and literature methods can be used as an alternative to conducting research whose substance is in the field of educational administration, including regarding lecturer career development in the form of promotion.

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