

Analysis and evaluation of law Number 12 Of 2012 Concerning Higher Education based on sports needs for students

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ABSTRACT

The sense of responsibility to educate students as "whole people" which lies on the shoulders of all higher education managers, sports programs will continue to have strategic programs in the higher education system in Indonesia. Therefore, researchers conducted a normative and juridical literature review to examine sports in higher education. The results of this review indicate that Article 35 (3) of the Higher Education Curriculum Law No. 12 of 2012 concerning sports higher education is needed to be used as a compulsory subject in higher education. Overall, this review provides an appropriate reference point for further research by identifying the need for research in the aspect of sports needs, especially making sports a compulsory subject in college as a form of realizing a whole human being. However, there are weaknesses and inequalities in several aspects. This research is a novelty in the study of sports policy analysis in Indonesia.

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Introduction

Along with the rapid development of education, it demands the formation of a whole person, meaning that a human being has the right to actualize himself maximally in the aspects of intellectual, spiritual, social, and kinesthetic intelligence (Tjasmini, 2016). The steps taken by the Indonesian government in realizing a complete human being through national education goals are based on Law Number 20 of 2003 (Khunaifi & Matlani, 2019). The World Health Organization (WHO) has just released a report on the adolescent development index for Indonesia in 2020 in the journal *The Lancet*, which is ranked 117 out of 180 the country under study (Rudnicka et al., 2020). The data illustrates that current health conditions are hazardous for the health of the younger generation. Havighurst views students as individuals, when viewed from the phase related to developmental theory, they are in adolescence, where students as individuals are preparing for work careers so that they are involved in educational institutions, in order to realize educational activities to the maximum, health factors are crucial because health can provide benefits that can support the task of students to learn (Eganov et al., 2020).

Student learning activities during the COVID-19 pandemic had very significant changes. The inner and outer health of students, educators, and the academic community is a genuine concern. One of the impacts of online learning is the stress experienced by students. The results of the research "Early Detection of Mental Health Due to the Covid 19 Pandemic at Unnes Sex Care Community," also highlighted in the *Praxis Journal* (September 2020) published by Soegijapranata Unika the same thing. This research shows that 63.6% of respondents indicated experiencing mental

health problems due to the pandemic. A number of these problems: feeling anxious and worried (59%); difficulty sleeping (50%); difficulty thinking (50%); tired all the time (50%); and had thoughts of ending one's life (9%) (Mirzaei- Alavijeh et al., 2017). Psychological health includes reducing stress, improving mood, and improving cognitive functions such as attention, concentration, memory, and others (Hussein et al., 2021). Creation sports are even more important to be applied by students and all their physical health benefits. The psychological benefits provided are beneficial for students to study optimally in college (Santos et al., 2016). There are many negative impacts if sports are not included in college. Like memory disorders, mood, depression, diabetes mellitus, or coronary heart disease, which can reduce the quality of life. In some cases, students are sleeping late because they are doing assignments or student organization meetings (Bender et al., 2019).

Looking at the dynamics and pace of higher education, Law No. 20 of 2003 concerning the National Education System states that Physical Education must be given to elementary, junior high, and high school levels, but this is different from Law No. 12 of 2012 about Higher Education, where Physical Education and Sports, are not included in the Compulsory Courses that must be given to all State Universities and Private Universities in Indonesia. Of course, this is a particular problem for the pattern of physical development in the scope of education. Provisions that are seen as contradictory to the National Education Goals cover the development of the whole person, including the physical and spiritual development of the entire community.

Considering the above background, the objectives of this research are (1) to conduct a juridical review of the university law (2) to reconstruct the content of Article 35 paragraph 3 of the university law. Through the purpose of writing, the author can provide an idea about the concept of reconstruction of the content contained in Article 35, paragraph 3 of the Higher Education Law to provide solutions to juridical problems due to the existence of the law.

Method

This research is descriptive with the type of legal research used is normative juridical research, which focuses on studying university laws, namely the statutory approach and conceptual approach. Sources of primary legal materials are obtained from laws and regulations related to the object of research, namely the Law on Higher Education, the Law on the National Education System, and the law on the National Sports System. Sources of primary legal materials are obtained from laws and regulations related to the object of research, namely the Law on Higher Education, the Law on the National Education System, and the law on the National Sports System. The relevant legal literature is derived from secondary legal materials. The analytical technique used to look at the quality collected legal materials in regular, coherent, logical, effective, and easy sentences to interpret the analysis's understanding with a literature review of previous findings relevant to the study.

Result and Discussion

Juridical Findings of Sports Policy Inconsistency

Clause 25 particle 1 of the National Sports System Law provides an explanation that the coaching and development of educational sports is carried out and directed as a systematic and continuous unit with the national education system (Law No. 3 of 2005 on the National Sports System/*Undang-Undang No. 3 Tahun 2005 tentang Sistem Keolahragaan Nasional*). Sport is a compulsory subject in the national education system but is not included in compulsory subjects in higher education. In contrast, sports needs are more needed at the higher education level in terms of developing self-quality. Sport plays a significant role in the development of human life. Believed by experts, sport is precious as the best vehicle for building fitness and health, discipline, morale and

emotional health, and various life skills. This is in line with the regulations on the national education system, especially Article 37 provides a concept with a curriculum system that contains several compulsory subjects, namely religious education, citizenship education, language, mathematics, natural sciences, social sciences, arts, and culture, physical education and sports, skills/vocational (Khunaifi & Matlani, 2019).

Article 25 paragraph (3) of the National Sports System Law concerning the fostering and development of educational sports at all levels of education provides freedom for students to carry out sports activities according to their talents and interests. In paragraph 3, there is an explanation of educational sports that must be carried out at the education level. As shown by various studies, sports have been used to facilitate and develop students for decades. Primarily, its use as a therapeutic measure to help relieve stress, strengthen health, and improve academic performance for students (Larkin et al., 2006).

Discussion

Contradictions of Sports Rules in College

Legislative has mandated that education in the national life through national development instruments in the field of sports is an effort to improve the quality of Indonesian human life physically, spiritually, and socially in realizing an advanced, just, prosperous, prosperous, and democratic society on Pancasila. The 1945 Constitution of the Republic of Indonesia (Jufri, 2021). The mandate wants to be physically healthy; sports for universities in the context of sustainable sports are necessary considering that a student's thinking activity needs to be supported by a healthy body. Without the implementation of sports as a subject in universities, it will impact the irregularity of the schedule for sports needs for students in forming a healthy and fit body.

Article 28 C paragraph (1) of the Constitution states that "Everyone has the right to develop themselves through the fulfillment of their basic needs, the right to education, and to benefit from science and technology, art, and culture in order to improve the quality of their life and for the welfare of mankind (Wartoyo, 2016). Sports Education is carried out as part of a regular and continuous educational process to acquire knowledge, personality, skills, health, and physical fitness.

In particular, the 2005-2025 long-term development direction for human resources is stated, one of which is to make efforts to "improve the quality of life of the entire community by paying special attention, one of which is to youth, in various fields of life and development, supported by the legal system and protection. Responsive mode to needs, increasing access and participation, cultivating and increasing sporting achievements, as well as principles of gender equality and justice." (Bappenas, 2015). Based on the long-term development direction, it can be understood that youth is one of the potential human resources (HR) owned by the Indonesian nation and state, so it is important to improve their quality of life to participate actively in the national development process. Human resource development in 2020-2024 is focused on creating quality and competitive human beings, namely healthy, intelligent, adaptive, innovative, skilled, and with character (Muhyiddin & Hadi, 2020).

On the one hand, many schools and universities use sports to develop their students' academic abilities. Although some stated that sport and academic ability were direct, some assumed an indirect relationship. Sport improves health, which will improve the quality of the way of life, which in turn increases the student's ability to study academically and in a healthy manner. While on the other hand, sport development is a way to improve processes and outcomes that are more systematic and effective in the development of living things (Pane, 2015). Efforts can improve this in accordance with Article 25 paragraph (2) of the National Sports System Law, which reads, "The guidance and development of educational sports are carried out through a learning process carried out by qualified

sports teachers/lecturers who have certificates of competence and are supported by infrastructure and facilities, adequate exercise.”

The legal basis of Law 3 of 2005 about National Sports System is Article 5 paragraph (1), Article 20, and Article 28 C paragraph (1) of the 1945 Constitution of the Republic of Indonesia; The sports industry includes various very lucrative segments, such as primary sports equipment (balls, sticks, rackets), sports clothing (from shoes to hats, including clothing in every sport), sports tourism, sports marketing, recreational sports, professional sports, and leisure/fitness activities (Parkhouse & Pitts, 2001). With recreational sports and tourism as the largest segment of the sports industry, it is not surprising that student sports or sports in universities should also be a sub-segment that must be considered in the sports industry. That is, in developed countries, student sports are one of the goals of the sports industry (Kos et al., 2019).

Reconstruction of Contents of Article 35 Paragraph 3 of the Higher Education Law

As many countries claim, the sport has been recognized as a vehicle for learning for long-term values. Everyone must have equal opportunities to continuously build and develop personal values in their lives through participation in sports. For Asian countries, Thailand has tasked its Minister of Sports and Tourism to develop a 5-year plan to continue the efforts already made in the development of sports for specific targets such as students and university students (Markus et al., 2019). Likewise, in China, sport generally emphasizes the performance of elite athletes. Shanghai University, for example, has created an extra-curricular program to empower its elite performance athletes by designing a sports training center to develop a recruitment suite for elite athletes and aiming to produce elite athletes for the 2008 Olympics.

It is thus clear that participating in sports is generally accepted as an effective tool for developing humankind. Sports activities have provided opportunities for citizens to experience together social, educational, physical, and moral engagement. In addition, individuals can experience equality, freedom, discipline, mental strength, patience, fighting power, and sportsmanship through sports. In the development of the academic field, it is fully believed that sports and physical activity are part of academic development, such as the classic motto expressed by John Locke, a sound mind in a sound body. Therefore, using sport to develop humans academically has become the main recipe in many countries.

The Importance of sport for Students essentially culminates in the search for a philosophical meaning about the importance of sport for humankind; consciously, there are three things that humans need as whole beings, namely sports, thought, and exercise (Wahyudi, 2020). A study conducted by the NIRSA (National Intramural-Recreational Sports Association) in the US in 2002, indicated that participating in recreational sports programs and activities was positively correlated with satisfaction and success in the entire college education experience (Tingle et al., 2018). This study confirms previous limited research that participating in on-campus sports is a key determinant of student satisfaction and success.

Physical education is an inseparable part of comprehensive education because physical activity is the central part of the learning process (Jess et al., 2021). Psychologically, physical education is essential for the development and progress of students; thus, learning physical education is very important (Syah, 2010). Learning is an active process, learning by doing. Learn by doing it. There is no learning without activity, both physical and mental activity. Sport is a systematic process in all activities or businesses that can develop and foster a person's physical and spiritual potentials for a fully qualified Indonesian human being based on Pancasila.

The goals to be achieved are comprehensive and require long-term time, so they can be formulated into several short-term goals without forgetting the essential goals to be achieved (Prasetyo, 2013). The objectives are formulated into the following physical education teaching objectives: (1) develop physical skills, which enable students to participate in various physical activities, (2) develop physical fitness and normal functioning of body systems for an active life of students in their respective environments, (3) develop knowledge and understanding of physical and social skills, physical fitness, scientific principles of movement, and the relationship of physical exercise to the personal wellbeing of each person, (4) develop social skills that promote acceptable standards of behavior and positive relationships with others, (5) develop attitudes and appreciation that inspire participation and enjoyment of the physical activity, fitness, quality of appearance, positive self-concept and respect for others (Kolovelonis et al., 2020).

Sports can also create a sense of sportsmanship and creativity and foster a sense of brotherhood. Exercise is a part and necessity of life. One of the characteristics of living things in this world, including humans, is to move. Between humans and physical activity are two things that are difficult or inseparable (Atkinson & Davenne, 2007). Since humans in primitive times to modern times, physical activity or motion has always been inherent in their daily lives (Webel et al., 2019). It means that human always needs physical activity.

Recent research has shown that thinking about the health of the body and mind is conceptually identical. With practice, some biological changes indeed occur that allow human nerve cells to be healthier—the supply of blood and energy to the brain increases. Even scientists have found that vigorous exercise can cause older nerve cells to form a dense, interconnected network, making the brain work more quickly and efficiently. There is also evidence that physical activity can prevent us from starting Alzheimer's disease, ADHD (Attention Deficit Hyperactivity Disorder), and other cognitive diseases (Zavadenko & Suvorinova, 2020). No matter how old you are, it seems that a solid and active body is essential to building a strong and active mind.

Likewise in terms of the social benefits of sports that are very likely to be experienced by students during their studies in college (Artinger et al., 2006). Relevant research is rare to see the impact of lack of exercise experience in specific populations. However, there are many reasons to suspect that students will benefit significantly from participating in sporting activities on campus. The relationship between sport and social involvement becomes significant to consider.

Participation in recreational activities can contribute to an improved level of quality of life. Participating in sports, joining clubs or groups, and taking music, dance, or art lessons are examples of how young people can participate in their community, learn new skills, and socialize beyond their family boundaries (Kendellen & Camiré, 2019). There is no doubt that sport and education cannot be separated, and both are comprehensive and very encompassing concepts at the same time (Di Palma et al., 2018). Both are an integral part of the whole concept of health, fitness, recreation, and very appropriate values for a quality life such as self-knowledge, self-discipline, courage, and justice. Because of that, sports and education are basic human rights.

Various considerations to fulfill Indonesia's independence and promote general welfare need to realize a nation's life that is beneficial for development that is just and democratic in stages and continuously (Idayanti et al., 2020). Education of the nation's life through national development instruments in sports is an effort to improve the quality of Indonesian human life physically, spiritually, and socially in realizing an advanced, just, prosperous, and democratic society.

Physical education will greatly complement the achievement of overall educational goals because physical education is expected to carry out various developments of learning strategies.

After all, physical education learning takes place outside the classroom. It is not only limited by walls but only limits the movement of students, namely students in expressing their potential and talent for movement, which is owned (Lengkana & Sofa, 2017).

Physical education is education that actualizes the potentials of human activity in the form of attitudes, actions, and works given content, form, and direction towards personality unanimity according to human ideals (Burson et al., 2021). Physical education is a physical activity as the core of learning so that physical education is only a means. This according to the declaration on sport as follows: Physical education is a process of educating a person as an individual or as a member of society which is carried out consciously and systematically through various physical activities in the context of gain an increase in physical abilities and skills, intellectual growth and character formation (Barrett et al., 2015).

Physical education as a physical activity that is part of the educational process that can develop physical fitness, body and intellectual organs as well as emotional control, it is stated as follows: Physical education as an aspect of the overall educational process by emphasizing activities that develop fitness, function organs, neuromuscular control, intellectual strength and emotional control (Ryu et al., 2020). Physical education carried out in schools will help the intellectual formation and development of individuals as social beings. Physical education is education that has the aim of helping organic development, neuromuscular development, intellectual development, and individual-social development of students (Kahan & McKenzie, 2020).

Sport is an activity that is very important to maintain one's fitness. Exercise is also an important method for reducing stress (Setiyawan, 2019). The way conveys online media and sports is also an active behavior that activates metabolism and affects the function of glands in the body to produce the immune system to defend the body from disease and stress. Therefore, it is highly recommended for everyone to carry out regular and well-structured sports activities. That is participating in physical activity for pleasure and special activities such as hunting or in competitive sports.

Despite all that, the consequence of the success of educational development, people are becoming more aware of their rights, such as the right to get a job, political rights, economic rights, and the right to do sports activities (Koswara, 2018). It is just that the right to do sports does not seem to be a right that must be fought for like other rights. This means that every citizen has the same opportunity (without discrimination) to carry out sports activities, choose and participate in the types of sports that are of interest, every citizen has the right to receive sports services to achieve health and physical fitness degrees; and or obtain achievement guidance for those who are talented, the government is obliged to provide financial support, open space, and sports personnel (lecturers/coaches) to realize sports development. So that physical education is still not considered important for national education policymakers.

In developed countries, especially Europe: "Physical education and sport have become a necessity and become a tool for youth social integration". However, realistic steps for the development of physical education and sports in Indonesia so that they can play a real role in the future are: (1) organizing and strengthening scientific studies of physical education and sports starting from high sports institutions and higher education levels (Shutova & Andryushchenko, 2020). Today it is not an easy step because the vision and mission as well as the implementation of the management of higher sports and higher education institutions are not clear and can even be said to be the most chaotic part of the institutional system in Indonesia; and (2) alumni of higher sports education who are in the education system and policymakers (Ma'mun, 2014). It's not only to organize various sporting events that have no clear direction and are concerned with personal and

group interests. After studying physical education and sports, one of the outcomes should be to make young people in Indonesia advanced and think creatively and innovatively. Have a positive and clear mind so that you can act without harming others

Conclusion

The conclusion in this article explains that in Article 35 (3) of the Higher Education Curriculum, Law no. 12 of 2012 concerning Higher Education, sport is needed to be used as a compulsory subject in universities. Overall, this review provides an appropriate reference point for further research by identifying research needs in the aspect of sport needs, especially making sport a compulsory subject in universities as a form of realizing a complete human being.

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