



Legal Analysis of Legal Norms Conflict Academic Position Promotion for Lecturers at Lambung Mangkurat University, Banjarmasin

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Abstract

Conflict of legal norms in the process of increasing position academic lecturers in the environment University Lambung Mangkurat (ULM) is visible in several points of requirements proposal increase position academic between existing regulations at ULM with Regulations of the Ministry of Higher Education. Some concrete things contradictory is like condition increase position functional from Lecturer Head to the Professor, ULM determines journal international reputable indexed Scopus Q2; journal must in accordance with field science ; Sinta score minimum overall 500; proposer must known wide in a way national and international ; proposer must get recommendation from 2 experts from college high outside ULM ; proposer may submit 2 -year proposal before retirement. The emergence of rule the as consequence existence strong desire from ULM so that the proposal increase position academic lecturer No cause problem as well as all over series fulfillment condition quality, as a result rule lost harmonization and synchronization with rule others of the same level and different degree. Next implementation rule during the upgrade process position academic done, resulting in emergence a number of issues, such as the validation process proposal more nature subjective done by the team examiner validation, less transparent ; no existence the space provided For give rebuttal when proposal rejected. All matter That looks started from existence regulations that are made runway in do verification and validation different and contradictory One each other. The absence of clear and concrete guidelines as the base and handle used between proposer with a number of team assessor on all level inspection impact on the existence of injustice, and things This is form violation right basic human. Next consequence more Far from implementation conflicting rules One each other and its application is of a nature ambiguous, then matter This impact on the difficulty development career lecturer.

Keywords: Analysis; Juridical; Legal Norms; Academic Position of Lecturer.

Abstrak

Konflik norma hukum dalam proses peningkatan jabatan dosen akademik di lingkungan Universitas Lambung Mangkurat (ULM) terlihat dalam beberapa poin persyaratan usulan peningkatan jabatan akademik antara peraturan yang ada di ULM dengan Peraturan Kementerian Pendidikan Tinggi. Beberapa hal konkret yang bertentangan adalah seperti kondisi peningkatan posisi fungsional dari Kepala Dosen ke Guru Besar, ULM menentukan jurnal internasional bereputasi internasional terindeks Scopus Q2; jurnal harus sesuai dengan ilmu lapangan; Skor Sinta minimum secara keseluruhan 500; pengusul harus dikenal luas dengan cara nasional dan internasional; pengusul harus mendapatkan rekomendasi dari 2 tenaga ahli dari perguruan tinggi di luar ULM; Pengusul dapat mengajukan proposal 2 tahun sebelum pensiun. Munculnya aturan sebagai konsekuensi keberadaan keinginan yang kuat dari ULM sehingga proposal meningkatkan posisi dosen akademik Tidak ada penyebab masalah serta seluruh rangkaian memenuhi kondisi kualitas, akibatnya aturan kehilangan harmonisasi dan sinkronisasi dengan aturan lain dengan



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tingkat yang sama dan derajat yang berbeda. Aturan implementasi selanjutnya selama proses peningkatan posisi akademik dilakukan, mengakibatkan munculnya sejumlah isu, seperti proposal proses validasi lebih subjektif yang dilakukan oleh validasi tim penguji kurang transparan ; tidak ada keberadaan ruang yang disediakan Untuk memberikan bantahan ketika proposal ditolak. Semua materi Yang terlihat dimulai dari adanya peraturan yang dibuat landasan pacu dalam melakukan verifikasi dan validasi berbeda dan saling bertentangan. Tidak adanya pedoman yang jelas dan konkret sebagai dasar dan penanganan yang digunakan antara pengusul dengan sejumlah tim asesor pada semua tingkatan pemeriksaan berdampak pada adanya ketidakadilan, dan hal-hal Ini adalah pelanggaran bentuk hak dasar manusia. Konsekuensi berikutnya lebih Jauh dari implementasi aturan yang bertentangan Satu satu sama lain dan penerapannya bersifat ambigu, maka masalah Ini berdampak pada kesulitan pengembangan karir dosen.

Kata Kunci: Analisis; Norma Hukum; Hukum; Jabatan Akademik Dosen.

INTRODUCTION

The Constitution of the Republic of Indonesia (1945 Constitution) states that the Republic of Indonesia is a "State of Law"; this is very firm as stated in Article 1 paragraph (3) which is the formulation is as following "Indonesia is a country based on law. According to Bahder Johan Nasution, "state of law is a country where government as state administrators are bound by the applicable regulations ¹. The essence of a state based on law is That emphasize submission holder state power in the rules applicable law, or law must become tool gauge truth actions taken by the state government. Abdul Mukthie Fajar, emphasized that a state based on the rule of law has at least three elements, namely recognition and protection of human rights, free and impartial justice taking sides, as well as adhered to principle legality (law) that every actions taken Good somebody ruler or citizens must based on provision law. In the context of this is, in a country of law fundamental issues that always put forward is about rights basic humans who must held in high esteem high and protected in life nation and state. Another meaning that is implicit can depicted that "law" has function as means build civilization humans and nations. The more tall civilization humans and nations means the more quality laws made and enforced within a country ².

One of principles of the rule of law is the principle of "legality". The principle legality, meaning all something in life nation and state must be based on law. The law must functioned as the "supremacy" of all existing powers in order statehood. The law does not may submit to power, and precisely power in a country that must subject to the law. If the law submit to power, then will happen totalitarian government, absolute government and such conditions can cause violation to rights basic human. Principle legality positioning law as the thing that is "supremacist", not only held in high esteem high by state administrators, but also by all citizens of various existing tribes, from various existing flow and group different populations. In other words, everyone in a state

¹ Debora Gottardello en Solmaz Filiz Karabag, "Ideal and actual roles of university professors in academic integrity management: a comparative study", *Studies in Higher Education* 47, no 3 (04 Maart 2022): 526–44, <https://doi.org/10.1080/03075079.2020.1767051>.

² Elizabeth Bowering en Maureen Reed, "Achieving academic promotion: The role of work environment, role conflict, and life balance", *Canadian Journal of Higher Education* 51, no 4 (21 Desember 2021): 1–25, <https://doi.org/10.47678/cjhe.v51i4.188917>.

of law own the same obligations For always obey and uphold tall law without except, no Correct existence discrimination in law, all The same in front of law ³.

One of teachings the most laws implemented for countries that declare himself as a state of law is Hans Kelsen's teachings ; According to Hans Kelsen in life together required order and for A order required guidelines together in the form of law, which he said source law That originate from grundnorm (basic norm), Grundnorm resemble A assumptions like the “ order ” that is to be realized in life together state. Grundnorm is condition transcendental-logical for its validity the entire legal system. So the entire legal system positive must based on the grundnorm. Orderly law created and started from basic norm the as peak highest (basic norm) for creation rule law in the country. With use draft stufenbau (layers rule according to echelon), Kelsen constructed thinking about orderly law. In construction that, it is determined levels legislation. All system legislation have something structure pyramidal, starting from the abstract that is basic norm to the next concrete.

For Indonesia, the concept of a state based on law in its implementation tend follow Hans Kelsen's teachings in answer increasing needs develop in life ; then be arranged various regulation For complement the existing ones in form various type regulations whose composition Then agreed in form regulation legislation about hierarchy legislation in Indonesia. Hierarchical nature legislation This hinting that the regulations under it in principle describe more regulations tall degree that is the existing regulations “ above it ”. With thus the regulations below No may contradictory or even No in accordance with the regulations above it. Hierarchical nature legislation this also applies to all type regulation others, including Ministerial regulations and /or Ministerial Decrees regarding the regulations below.

Although explained with firm that Indonesia adheres to a state of law with all the principles that must be executed in a way consistent ; in fact in practice state and government often found There is regulations of the degree be under precisely contradictory with more regulations high. One that can put forward is related regulations with problem increase position functional lecturers at universities ⁴. This occurred at a university in South Kalimantan, namely University Lambung Mangkurat (ULM). After done search related regulations with increase position functional lecturer there is a “ conflict law ” between ULM regulations with regulations set by the Ministry of Higher Education; like condition increase position functional from Lecturer Head to the Professor, ULM determines journal international reputable indexed Scopus Q2; journal must in accordance with field science ; Sinta score minimum overall 500; proposer must known wide in a way national and international ; proposer must get recommendation from 2 experts from college high outside ULM ; proposer may submit 2 -year proposal before retirement ; and many Again things which is regulated as condition For increase position conflicting functionalities with Ministry of Higher Education regulations. Conflict of legal norms This is very important issue For Can handled and resolved in a way juridical,

³ Vanessa Miller, Frank Fernandez, en Neal H Hutchens, “The race to ban race: Legal and critical arguments against state legislation to ban critical race theory in higher education”, *Mo. L. Rev.* 88 (2023): 61, <https://doi.org/https://doi.org/10.1080/03075079.2020.1767051>.

⁴ Thelma C Guilbaud, Florence Martin, en Xiaoxia Newton, “Faculty perceptions on accessibility in online learning: Knowledge, practice and professional development.”, *Online Learning* 25, no 2 (2021): 6–35, <https://olj.onlinelearningconsortium.org/index.php/olj/index>.

because matter This related with right basic for lecturers in development career and advancement capacity true academic must nature support No become inhibitor⁵.

Given the strategic importance of functional rank promotion for lecturers, inadequate regulation or weak implementation may have significant implications not only for individual academic careers but also for institutional quality and academic competitiveness in higher education. Functional promotion serves as a key indicator of academic performance, professional development, and institutional excellence. Therefore, this issue is considered urgent and warrants systematic academic examination.

Based on this rationale, the present study is guided by the following research questions. First, how is the regulatory framework governing the promotion of lecturers' functional positions formulated at Lambung Mangkurat University? Second, how are these regulations implemented in practice within Lambung Mangkurat University, particularly in relation to procedural effectiveness, administrative compliance, and institutional support mechanisms?

RESEARCH METHODS

This research is a normative-empirical legal research with a qualitative paradigm. The qualitative paradigm is research that collects material. law and analyze and describe the facts that are found holistically to find meaning in the object being studied⁶. Legal materials study This is The 1945 Constitution as the constitution of the Republic of Indonesia, then laws, regulations government and decision law officials public in nature hierarchical starting from the highest level to the lowest level regulations⁷. Collection technique material law in a way tiered This guiding the steps of research work in nature collect various legislative and regulatory products, especially those related to the research issues being carried out⁸.

Besides material the above law, information is also dug up empirically related to the formation process rules and their implementation with source the informant part personnel, administrative law, University Lambung Mangkurat (ULM) senators, review team, and lecturers who have propose increase position functional. Facts found Then done analysis in a way juridical, connecting between the one with others who have collected (not only explaining or describing), but also hermeneutic (interpretation), evaluation (assessment) and interesting conclusion⁹. This study recommends improvements

⁵ Jean E Fox Tree en Jyotsna Vaid, "Why so Few, Still? Challenges to Attracting, Advancing, and Keeping Women Faculty of Color in Academia", *Frontiers in Sociology* 6 (18 Januarie 2022): 792198, <https://doi.org/10.3389/fsoc.2021.792198>.

⁶ P S Aithal en Shubhrajyotsna Aithal, "How to increase emotional infrastructure of higher education institutions", *International Journal of Management, Technology, and Social Sciences (IJMTS)* 8, no 3 (2023): 356–94, <https://ssrn.com/abstract=4674376>.

⁷ Nehaluddin Ahmad, Faizah Rahim, en Danish Iqbal Ariffin, "Legal Challenges of Prosecuting War Crimes and Crimes Against Humanity: A Comparative Analysis of Islamic Law and Modern International Law.", *Manchester Journal of Transnational Islamic Law & Practice* 20, no 3 (2024), <https://doi.org/https://doi.org/10.3390/jcm12134425>.

⁸ Portia Oduro, N S Uzougbo, en M C Ugwu, "Renewable energy expansion: Legal strategies for overcoming regulatory barriers and promoting innovation", *International Journal of Applied Research in Social Sciences* 6, no 5 (2024): 927–44, <https://doi.org/https://doi.org/10.3390/jcm12134425>.

⁹ Tunggal Ansari Setia Negara, "Normative Legal Research in Indonesia: Its Originis and Approaches", *Audito Comparative Law Journal (ACLJ)* 4, no 1 (02 Februarie 2023): 1–9, <https://doi.org/10.22219/aclj.v4i1.24855>.

(reorientation and reformulation) to legal policies that are realistic and reflect a policy that takes into account a sense of justice and recognizes and upholds human rights¹⁰.

RESULTS AND DISCUSSION

Formation Process Rule Ascension Position Functional Lecturer at Lambung University Mangkurat

University of Lambung Mangkurat (ULM) is A college the height of the country given trust For implementing Tri Dharma (Education, Research and Community Service) as confirmed in articles 20-24 of the law system education national . As college state university, ULM was given mandate For carry out Tri Dharma as mentioned in Constitution National Education System. For implementing Tri Dharma, ULM has ordered by the Ministry of Higher Education through Decree Number 13 of 2023 concerning ULM Statute. ULM Statute in principle can interpreted as runway law How ULM should organize the Tri Dharma of education high. With thus The ULM Statute is regulation written that is used guidelines in carry out its function as A college tall.

In the Statute said, one of the principle management carried out is the problem of " formation " rules " that will implemented in the ULM environment. The process of forming rules at University Lambung Mangkurat according to Article 89 paragraph (2) of the University Lambung Mangkurat Statute is confirmed that the procedure formation rules in the ULM environment based on Regulation Rector. Based on search information University Lambung Mangkurat up from member ULM Senate, Head of Personnel Section ; Legal and Administrative Section, formation process rule related with increase position functional lecturer done after existence regulations of the Ministry of Higher Education that have been ratified and valid for all over college high. Regulations the is Regulation of the Ministry of Higher Education No. 63/M/Kep/2025. In terms of partial Ministry regulations big rule about condition increase position academic lecturer Already quite representative, in understanding allows For Can implemented ; however thus there is A relatively sufficient requirements heavy that is fulfillment journal international reputable. Fulfillment journal This stated must pattern journal its publication No changeable from aspect appearance, consistent from number of articles published every year¹¹. If the display journal changeable although journal That fulfil condition others, proposals No will accepted. For the author article scientific, of course Already consider his writing will entered to journals that have been determined by the Ministry with condition intended. However thus, when article scientific That accepted and published in the journal certain, then journal That experience change appearance from aspect amount articles he published compared to with publishing previously, then matter That is not authority writer article For request consistent amount published articles moment that, and whoever No Can intervene so that the journal publishing That follow regulation as mentioned in Ministry of Education regulations high. In connection That it seems the Ministry needs to evaluate return condition provision the For done deepening more

¹⁰ Dalal Hammoudi Halat et al., "Understanding and Fostering Mental Health and Well-Being among University Faculty: A Narrative Review", *Journal of Clinical Medicine* 12, no 13 (30 Junie 2023): 4425, <https://doi.org/10.3390/jcm12134425>.

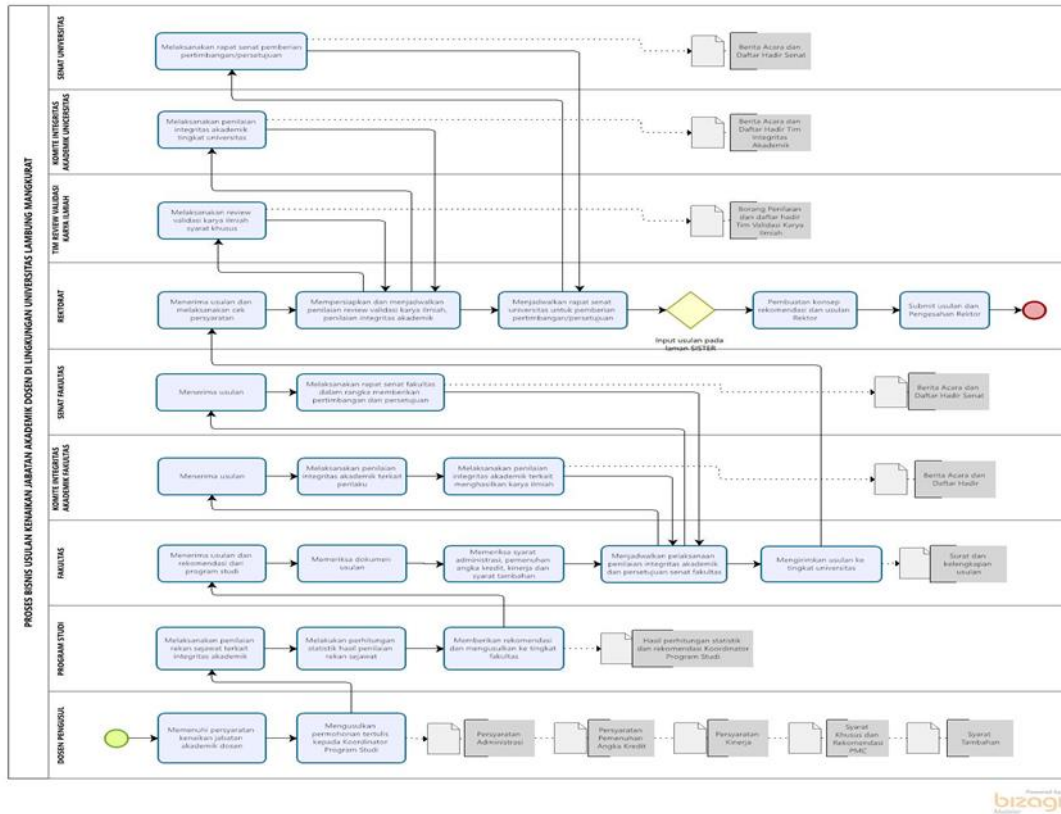
¹¹ Nehaluddin Ahmad en Zheimie H Zamri, "The Imperative of Establishing an Islamic Judicial System in Türkiye: A Critical Examination from an Islamic Perspective", *Manchester Journal of International Economic Law* 1 (2024), <https://doi.org/https://doi.org/10.3390/jcm12134425>.

continue so that at the time to come come, everything something that is outside control authority can become considerations and input for repair substance established rules¹².

Special For increase position functional lecturer, Ministry of Education tall has emit Regulation of the Minister of Higher Education, Science and Technology No. 63/M/Kep/2025, After regulation the official and legal in a way law, then University Lambung Mangkurat started compile regulation Rector related with implementation coaching and development profession lecturers at University Lambung Mangkurat. Search results document regulation Rector about increase position functional lecturer recorded in form Regulation Rector Number 7 of 2024 concerning Guidelines Ascension Academic Positions of Lecturers at ULM. If studied with careful, content substance from regulation Rector the No different with Ministry of Higher Education regulations. This means conditions about increase position academic lecturers mentioned in the regulations The Chancellor of ULM is identical with what is explained in more Ministry regulations tall degrees the law with regulation Rector. Regulations Rector This like form ratification return in a way juridical For implemented in the ULM environment, even though the Ministry of Higher Education regulations have stated valid and valid since set, and that is more provisions tall degree from regulation Chancellor. Although rather felt strange, but that's how it is the fact is that about guidelines increase position academic lecturers in the ULM environment which are stated in regulation Chancellor and appointed September 18, 2024. According to Mastorat, formation regulations in Indonesia tend to Not yet can combine and harmonize between theory and stages its formation¹³. As the consequences Lots found legal norms that are not harmonious between One each other, good rules at the same level and different rules levels and degrees. In general, many happen is disharmony rules law in the “ substance” aspect law”, and conditions This will greatly affect to quality implemented laws. As a result often felt at the stage implementation law appear there is a sense of injustice.

¹² Dinesh Kumar en Nidhi Suthar, “Ethical and legal challenges of AI in marketing: an exploration of solutions”, *Journal of Information, Communication and Ethics in Society* 22, no 1 (04 Maart 2024): 124–44, <https://doi.org/10.1108/JICES-05-2023-0068>.

¹³ Gary D Solis, *The law of armed conflict: international humanitarian law in war* (Cambridge University Press, 2021).



Ascension flow position academic lecturer said, issued by ULM and then become base for the implementation process proposal for lecturers as well as working parties processing That start from level lowest namely Study Programs up to the level of final that is ULM Senate for give consideration to Rector and then decided by the Chancellor For to be continued or rejected proposal mentioned. In the document channel increase position functional lecturer said, no There is description explanation Who only those given authority in a way firm at each level inspection validation proposal ; also about method carry out the validation process, whether validation source the standard Ministry of Education regulations tall or regulation ULM Chancellor or regulation The ULM Senate, which is known as different substances rule then there is none either explanation How execution of decisions at each level inspection proposal If done rejection who is given its authority, as well as How form the execution, whether execution That before followed up by the proposers given explanation in a way direct or only notified in a way oral or in form decision in a way written. One of them YH's proposer, ever put forward his confession (his feelings) that execution rejection No clear and things This cause impression like No transparent¹⁴.

Other findings in search document law related increase position academic lecturer is that The ULM Senate also made regulation about “ Considerations Ascension Academic Position of Lecturer” . In the regulations said, specifically For increase position academic lecturer from Lecturer Head to the Professor, there is some points that can put forward, among others is as following : a) proposer must known wide in a way national and international and get recommendation For proposed to Professor from 2

¹⁴ Matthew Dahl et al., “Large Legal Fictions: Profiling Legal Hallucinations in Large Language Models”, *Journal of Legal Analysis* 16, no 1 (01 Januarie 2024): 64–93, <https://doi.org/10.1093/jla/laae003>.

Professors in the field the same science from 2 colleges height outside ULM ; b) conditions specifically for journal writing scientific international reputable indexed Scopus Q2; c) scientific papers published in journals a plot with skills that become base proposal (S3); and still Lots Again established rules become condition proposal increase position academic lecturer. In the rules The ULM Senate, so Lots found rules made contradictory with regulation Rector about Guidelines Ascension Academic Position of Lecturer and so on more regulations tall the degree determined by the Ministry of Higher Education¹⁵.

Question interesting is Why regulations made For increase position academic lecturer, contradictory with other regulations and even with more tall degree. According to Andi Syahrial Fauzar, norm conflicts such as That caused by formation regulation ignore deepening material, coordination, synchronization and harmonization with other regulations. In juridical, regulations like That No legitimate in a way law, because structure law in Indonesia is of a nature hierarchical ; Meaning the regulations below No may contradictory with more regulations tall degree. Hans Kelsen with his theory of " stuffenbau " suggests that all law of a legal nature operational indeed as embodiment from what is aspired to in basic norms. More basic norms low determined by higher norms high and not may contradictory especially deviate from more rules high. Interesting thing is Why Can happen rule like That created and established. Search information from member ULM Senate (WU), section ULM (Rd) personnel ; when done interview to explain that What is being done That sepetti Already Correct existence, because regulation That For made into base give consideration with objective results consideration That give the best when Rector take a decision to reject or continue proposal. Next when asked, what basically compile rule that, the source from where; in the explanation mention that regulations at ULM according to Statute its form in the form of 1) Regulations Senate and 2) Regulations Chancellor¹⁶. Although There is affirmation matter that, but there is explanation in the article next related with function Senate ; that Senate make determination covers three (3) things, namely academic norms ; ethics academic and code ethics academic ; the rest function Senate only as giver consideration and doing supervision. The principle what the Senate determines That the main thing is is emphasize on what you want produced from giving consideration namely "the best ". If understood from corner view law, in fact ULM Senate does not have legal standing (authority) to make rules that are technical describe related Ministry of Higher Education regulations with proposal increase position academic lecturer ; because the Ministry 's regulations set and for implemented by each university high, deep matter this one has authority is Rector from all leadership college high. Therefore that 's more appropriate is Rector For set A regulations that become guidelines in frame execute the regulations of the Ministry.

Indeed giving consideration by the ULM Senate is not means ULM Senate made regulation Alone typing will give consideration. Because in terms of conceptual, which is meant give consideration by the Senate This is peak from all over a series of validated processes. That is, the Senate is the last filter in do filtering from proposal increase position academic lecturer, started from level lowest in the Study Program, then level Faculty ; then task force integrity academic ; reviewer and last Senate. All the ranks

¹⁵ Neel Guha et al., "Legalbench: A collaboratively built benchmark for measuring legal reasoning in large language models", *Advances in neural information processing systems* 36 (2023): 44123–279.

¹⁶ Junko Eba en Kenichi Nakamura, "Overview of the ethical guidelines for medical and biological research involving human subjects in Japan", *Japanese Journal of Clinical Oncology* 52, no 6 (31 Mei 2022): 539–44, <https://doi.org/10.1093/jjco/hyac034>.

involved in m, handle the proposal process That the benchmark is “ Regulation of the Ministry of Higher Education concerning Guidelines Ascension Position Functional Lecturer”. So it's not means when give consideration, Senate make rule version alone and different with regulations issued by the Ministry of Higher Education. If so in fact, it means regulation the Actually in a way juridical can it is said cancelled in a way law, because has violate principle the law that must be noticed in the process of formation law. One of the principle law That is " Certainty and Justice ". With existence different regulations For processing something the same thing (proposal increase position academic lecturer) then such conditions Can interpreted absence certainty the law that becomes same ground, grip together ; and the consequences such a thing will cause injustice. Even though all rule law That created and implemented should be intended For realize justice ; because justice is peak the highest that becomes objective life state in all aspect life¹⁷.

A. Hamid S. Tamimi, opined that principle formation proper regulations specifically for Indonesia one of them is the “ideal of Indonesian law ” and...” ideal Indonesian law none other than Pancasila (sila-sila in Pancasila) applies as ideals (idde) that function as a “ star” guide ” What is stated in description the review above indeed it has been explained for a long time in view “ ladder ” theory law "which was put forward by Hans Kelsen with the theory of " Stuffenbau " that all rule law of a legal nature operational indeed as embodiment from what is aspired to in the “ground norm” (basic norm). “The higher norm low determined by higher norms high, higher norms tall determined by other, more specific norms tall Again ” thus next until reach the top the highest is the most fundamental norm which is called with basic norms (ground norms). Ground norms this is basically No changeable, while the highest norm a country (law basic) can changed Because various because. One of the mark from ground norm That for Indonesia is please the fifth principle of Pancasila, namely " Social Justice for All Indonesian people”¹⁸.

Implementation rule increase position functional lecturer at University Lambung Mangkurat.

According to Rayhan Zaki Wibowo; et al., implementation law in life will cause mixed reactions, because existence difference views and values life¹⁹. This is seems to be happening too when rule increase position academic lecturer at ULM. Implementation process regulation increase position functional lecturers in the ULM environment, in practice bring up Lots phenomena and problems experienced by a number of people lecturer when they submit proposal increase position functional. A number of lecturers interviewed with the initials HM, AR, RY; ZA; DO; gave diverse reactions, views and assessments. Some his views conclude that the process of increasing position academic lecturer : 1) Lack of transparency from all over series of processes, related with implementation the rules used as consequence existence different rules and one each other No conformity ; 2) Assessment and validation process proposal tend nature subjective ; thing This as consequence existence different rules and then typing give evaluation

¹⁷ Anna Carmella G Ocampo et al., “The role of internship participation and conscientiousness in developing career adaptability: A five-wave growth mixture model analysis”, *Journal of Vocational Behavior* 120 (Augustus 2020): 103426, <https://doi.org/10.1016/j.jvb.2020.103426>.

¹⁸ Allan R Brewer-Carias, “Judicial review in comparative law”, 2023, <https://doi.org/https://doi.org/10.1093/jjco/hyac034>.

¹⁹ Bunga Putri Puspita en M Abdul Razak, “Juridical Analysis between Life Insurance Company and Independent Marketing Office in District Court Decision Number: 661/Pdt. G/2021/Pn. Jkt. Sel”, *Yuris (Journal of Court and Justice)*, 2023, 74–84, <https://doi.org/https://doi.org/10.56943/jcj.v2i2.369>.

determined by attitude choice subjective to which rules are used ; 3) Absence of given room For do rebuttal typing done rejection of all validation process levels²⁰. 4) Rejection decision to something proposal determined by the administrative personnel officer and submitted through WhatsApp without There is explanation whatever in a way transparent. 5) The proposers increase position academic, stated when proposal submitted No capable predict What will happen with proposal said, whether accepted or rejected ; thing This as consequence existence rules that are not clear Because many mutually exclusive regulations contradictory One each other; even though a legal process on the aspect whatever is most important is position regulations that are made as benchmarks and foundations. The regulations used must The same understood and comprehended either by the proposer or those who validate and those who give consideration. This is so that there is A certainty in a way law, which rules are used. With thus, it should be for proposer Already capable estimate results validation, verification and granting consideration to his proposal ; because proposer can also evaluate Alone to his proposal with benchmark established rules as the requirements²¹. If done search, appears question Why the phenomenon described above Can happened ; what caused it all matter that. For explaining it, researchers start break it down based on process flow of the increase position academic lecturers and which rules are used as base in the process of validating and providing consideration whether proposal That Can to be continued or rejected. Initial process started with existence proposal from lecturer For submit increase position functional (academic) by completing specified requirements according to provisions issued by the Ministry of Higher Education. Proposal the validated and recommended by the Study Program; if approved so will continued and processed by the team validation integrity academic at the level faculty ; results validation If stated approved so next will processed by the Senate Faculty in frame give consideration ; then If approved will sent to Rectorate and processed by Publication Management Center (PMC) a team validation administration academic ; if PMC approves to be continued processed by the Integrity Team Academic ULM level ; and finally If approved to be continued giving consideration by the ULM Senate for Then handed over to Rector rejected proposal the or approved For continued proposal the to the Ministry of Higher Education²².

From all over the series of processes in the environment University Lambung Mangkurat, the party given task do verification and validation all condition proposal, it seems No have uniformity the same knowledge about the rules used ; because If all existing rules, especially regulation Senate, conditions increase position mandatory academic fulfilled, then it is very difficult for Can filled for lecturers who will proposal to the professor²³. One of the conditions are heavy or not equipped during This is proposer must known area at the level national and international and obtain recommendations from

²⁰ ROSS MITTIGA, "Political Legitimacy, Authoritarianism, and Climate Change", *American Political Science Review* 116, no 3 (06 Augustus 2022): 998–1011, <https://doi.org/10.1017/S0003055421001301>.

²¹ Anu Lähteenmäki-Uutela, Siva Barathi Marimuthu, en N Meijer, "Regulations on insects as food and feed: a global comparison", *Journal of Insects as Food and Feed* 7, no 5 (2021): 849–56, <https://doi.org/https://doi.org/10.1017/S0003055421001301>.

²² By Stijn Baert et al., "Student internships and employment opportunities after graduation: A field experiment", *Economics of Education Review* 83 (Augustus 2021): 102141, <https://doi.org/10.1016/j.econedurev.2021.102141>.

²³ Stanley Greenstein, "Preserving the rule of law in the era of artificial intelligence (AI)", *Artificial Intelligence and Law* 30, no 3 (17 September 2022): 291–323, <https://doi.org/10.1007/s10506-021-09294-4>.

2 professors field the same science from two colleges high outside ULM. Based on search, during This provision the like No executed and not enforced ; temporary a number of other requirements remain enforced. This means that not all existing regulations executed with truly in the proposal process increase position academic lecturer. As a result phenomenon This appear A view from the proposers who have submit proposal that There is attitude subjectivity in determine proposal, depending method each person's point of view validation ; it seems there are those who hold on firm reference to Ministry regulations only ; but there are also those who add Again rules that originate from regulation ULM Senate as argument in take decision validate. According to Hafiz An Nur and Muhammad Idrus Baldanuddin, implementation there are many laws in Indonesia influenced by impunity and limitations source power . Impunity Can in the form of pressure or situations that make No capable For operate true and just law, etc. In practice implementation law on phenomena study This Can result in No existence uniformity that is made base in processing proposals, and things This the impact will cause injustice when rule law That executed, the consequences will harm for lecturers in develop his career. On the other hand, injustice That is form violation right basic for every citizens. The true law uphold high and protective right basic humans, because laws are formed and implemented in life state in essence is For develop values humanity, so that life This more civilized ; and basic from life civilized is upright straight rules created and implemented²⁴. In the concept of a state based on law, it is idealized that which must be made into commander in dynamics life statehood is law, not political or economy. Therefore, the usual jargon used in Language English For mention principles of the rule of law is 'the rule of law, not of man', and the so-called government in essence is law as system, not just person to person act as a 'wayang ' from scenario the system that regulates it²⁵.

The concept of the Indonesian legal state, before the 1945 Constitution was implemented amendment, his statement found in the “ explanation of the Constitution”, which states that "the Indonesian State is Based on Law", not based on power. Experts constitutional law states his views that, explanation That is not a legal norm and that No own strength binding. Then the reform era, carried out amendments to the 1945 Constitution, one of which is include “rule of law ” to in one of the articles in the 1945 Constitution ; M. Ali Taher Parasong²⁶.

Rule increase position academic lecturers who are being enforced in the ULM environment seem to be violate principle base the true law must run, good in the process of formation law and when carry out rule law the principle base violated laws That is formation rule law Where the former No have legal standing (not authorized) but forced do formation law ; then laws created and established content the substance contradictory with rule more laws tall degree ; consequence existence dualism law the then what happens at the level implementation cause existence uncertainty law, namely rule which

²⁴ Enrique Gracia et al., “Neighborhood characteristics and violence behind closed doors: The spatial overlap of child maltreatment and intimate partner violence”, red Zhenlong Li, *PLOS ONE* 13, no 6 (07 Junie 2018): e0198684, <https://doi.org/10.1371/journal.pone.0198684>.

²⁵ April M Zeoli et al., “Retracted: Analysis of the Strength of Legal Firearms Restrictions for Perpetrators of Domestic Violence and Their Associations With Intimate Partner Homicide”, *American Journal of Epidemiology* 187, no 7 (01 Julie 2018): 1449–55, <https://doi.org/10.1093/aje/kwx362>.

²⁶ Susanna Every-Palmer et al., “Psychological distress, anxiety, family violence, suicidality, and wellbeing in New Zealand during the COVID-19 lockdown: A cross-sectional study”, red Joel Msafiri Francis, *PLOS ONE* 15, no 11 (04 November 2020): e0241658, <https://doi.org/10.1371/journal.pone.0241658>.

law is used in processing proposals on all level examination ; and the last one is consequences from all That will lead to violations principle law justice²⁷. If the rules like This Keep going continuously enforced without There is repair with follow rules the correct law, then what will happen later day is existence assumption that all That Correct only, no some people think violation principle law. Condition like This Of course will bring impact that is not Healthy especially in connection development career lecturers at ULM. One of them example is Faculty of Teacher Training and Education, if rule That Keep going is enforced, then a number of an elegant lecturer For Can propose to the professor almost Can confirmed will difficult For Can achieve it ; because the requirements are very heavy and seem there is something wrong rational. As the consequence is that FKIP will difficult increase quality institutional, because will happen the decline FKIP accreditation which is currently This excel later day Can experience change, because No Again having a professor is one of the indicators in evaluation accreditation institutions²⁸.

In principle formation necessary laws noticed is that every rules made must rational and able confirmed rule the will capable implemented by the affected parties rule that. If the rules made are very difficult For Can implemented, what happened precisely will appear manipulative actions towards rule That with the intention is to be able to fulfil order the rules that apply²⁹. It should be law No may create the subjects law do deviations consequence the difficulty rule That applied. Therefore that's one of them principles that must be considered when do formation law is that laws that are formed can predicted will Can carried out and implemented by all party subject to rule law. The law will effective applies, when law That in accordance with feeling law society and capable implemented by the community. With existence ability carry out law and consistency based on rules in the process of formation and implementation, then law will own authority . In other words, the rules law will felt as something needs and not as A compulsion For implemented in life nation and state.

CONCLUSION

Formation process rule law increase position academic lecturers in the University Lambung Mangkurat environment based on analysis in a way juridical it seems violate principle base fundamental law that is true must considered and given priority to each formation rules. Principles base violated laws That is formation rule law Where the former No have legal standing (not authorized) but forced do formation law ; then laws created and established content the substance contradictory with rule more laws tall degree ; consequence existence dualism law the then what happens at the level implementation cause existence uncertainty law, namely rule which law is used in processing proposals on all level examination; and the last one is consequences from all That will lead to violations principle law fair.

²⁷ Jennifer K Wesely, "Co-constituting narrative: the role of researcher identity bids in qualitative interviews with women ex-offenders", *Criminal Justice Studies* 31, no 3 (2018): 213–29.

²⁸ Yasmira Mandasari Saragih et al., "JURIDICAL STUDY OF THE CRIMINAL ACTS OF DEFENSE IN VIEW FROM THE ITE LAW NUMBER 19 OF 2016", *International Journal of Educational Review, Law And Social Sciences (IJERLAS)* 3, no 3 (2023): 1100–1106, <https://doi.org/https://doi.org/10.54443/ijerlas.v3i3.944>.

²⁹ Cortney A Franklin et al., "Police Perceptions of Crime Victim Behaviors: A Trend Analysis Exploring Mandatory Training and Knowledge of Sexual and Domestic Violence Survivors' Trauma Responses", *Crime & Delinquency* 66, no 8 (12 Julie 2020): 1055–86, <https://doi.org/10.1177/0011128719845148>.

Next in the section implementation rule law, all the party given duties and responsibilities in do validation proposal more leaning cause attitude subjective in determine choice which rule is used ; because existing rules One each other conflicting. Choice subjective this is the end cause existence difference implementation law between the one proposer with other proposers, and circumstances This will cause existence injustice that actually must avoided when law executed.

Consequence rule laws created and implemented No pay attention principle = principle base law, then condition That cause difficult obstacles For Can develop careers of lecturers, even though every citizens in Work entitled develop his career, and the rules law No justified hinder development career Work for every citizens, because matter That is form violation right basic human. As a result more carry on from the difficulties of the lecturers in develop his career matter This will also has an impact on status and quality the institution, because one of the indicators of the institution college tall superior is from how much Lots lecturer capable reach level career the highest. For repair atmosphere overlapping rules overlap and conflict between these norms, according to Basuki Kurniawan et al, can use Minister of Law and Human Rights Regulation Number 32 of 2017 with non- litigation path, no must completed through justice state administration. However thus There is a better way rational and as something accountability morally, the parties maker regulation with full awareness For do repair in a way comprehensive, revoke return rule and arrange them return with approach synchronization and harmonization so that regulation the become more rational, proportional as well as can executed in a way effective, efficient and effective for repair order, certainty and justice in life a transparent and trustworthy state and government

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