

Reassessing Student Representation: Legal and Managerial Implications of the Absence of a Student Executive Board under Law No. 12 of 2012

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ABSTRACT

This study explores the legal and managerial implications of the absence of a Student Executive Board (Badan Eksekutif Mahasiswa/BEM) at Universitas Pamulang. Law No. 12 of 2012 on Higher Education recognizes students' rights to form intra-campus organizations as part of their academic and civic development. Nevertheless, Universitas Pamulang operates only through faculty-based associations (HIMA), without a university-level BEM. Using a normative juridical approach and descriptive qualitative analysis, this research reveals that the absence of BEM restricts student representation, weakens interfaculty coordination, and limits participatory decision-making. From a legal perspective, this condition indicates partial non-compliance with statutory obligations regarding organizational rights. From a managerial perspective, it reflects a governance gap that undermines accountability and inclusivity. The findings highlight the need for universities to align legal compliance with participatory management practices to enhance institutional legitimacy and educational quality. The study recommends that higher education institutions establish representative student bodies to foster democratic engagement and fulfill the mandates of national law.

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1. INTRODUCTION

The management of higher education in Indonesia is guided by Undang-Undang Nomor 12 Tahun 2012 tentang Pendidikan Tinggi, which upholds autonomy, academic freedom, and student participation [1]. Among its key mandates is the recognition of students' rights to form intra-campus organizations as part of their academic and personal

development. The Student Executive Board (Badan Eksekutif Mahasiswa or BEM) represents the institutional realization of these rights [2]. However, some universities, including Universitas Pamulang, operate without a BEM, relying solely on faculty-based student associations (Himpunan Mahasiswa or HIMA) as channels of representation. This situation raises essential questions about compliance with the law and the effectiveness of participatory governance within higher education. The absence of a central representative body may restrict students' normative rights and weaken managerial coordination across faculties, making the issue both a legal and managerial concern [3].

Student organizations play a vital role in nurturing democratic culture and participatory management in higher education. Scholars such as Tilaar and Indrawati highlight that representative student bodies are instrumental in fostering civic engagement and leadership within universities [4]. Without a centralized structure like BEM, communication between students and university leaders often becomes fragmented, reducing the effectiveness of decision-making and accountability mechanisms. In the context of Universitas Pamulang, this fragmentation limits cross-faculty collaboration and participation in institutional policy formation, creating managerial and legal implications that have been largely overlooked in previous research.

Therefore, this study aims to analyze the legal and managerial implications of the absence of a Student Executive Board at Universitas Pamulang. It addresses the following research questions: (1) To what extent does the absence of BEM align with the provisions of Law No. 12 of 2012 on Higher Education? (2) How does the lack of BEM affect participatory management and student representation within the university?

To answer these questions, this research employs an integrated approach combining normative juridical analysis and managerial evaluation. The juridical analysis explores compliance with statutory regulations and the protection of students' organizational rights [5], while the managerial evaluation examines the consequences for institutional coordination, accountability, and participatory governance. This interdisciplinary framework ensures a balanced assessment that captures both legal and administrative dimensions of the issue.

The case of Universitas Pamulang is particularly significant due to its large and diverse student body, which requires robust mechanisms for coordination and representation [1]. The absence of BEM not only hinders interfaculty collaboration but may also contravene legal obligations concerning organizational rights. Addressing this issue is crucial for ensuring that higher education institutions uphold both legal compliance and democratic management principles.

In summary, this study contributes to the discourse on higher education governance by bridging legal studies and educational management in its analysis of student representation. It introduces a novel framework that connects statutory compliance with participatory practices, offering both theoretical insight and practical recommendations for strengthening democratic culture and institutional accountability in Indonesian universities.

2. METHOD

This study employed a descriptive qualitative approach to explore the legal and managerial implications of the absence of a Student Executive Board (*Badan Eksekutif Mahasiswa* or BEM) at Universitas Pamulang, within the framework of *Law No. 12 of 2012 on Higher Education*. The qualitative approach was chosen because it allows researchers to understand social and institutional realities through direct engagement with participants and contextual interpretation.

Research Design

The study utilized a case study design focusing on Universitas Pamulang. This university was purposively selected because it has one of the largest student populations among private universities in Indonesia and operates without a university-wide BEM. This unique condition makes it a representative case for examining the intersection of legal compliance and managerial coordination in higher education governance.

Data were collected through participatory observation, semi-structured interviews with students, lecturers, and organizational administrators, and document analysis of internal policies, faculty charters, and university regulations. This design provided a holistic understanding of how the absence of BEM influences the implementation of students' organizational rights and participatory management practices within the institution.

Research Procedures

The research was conducted in several structured stages, as summarized in Table 1.

Table 1. Research Stages and Data Collection Techniques

Research Stage	Technique	Instrument
Problem Identification	Literature Study	Legal Documents (Law No. 12/2012, UUD 1945)
Data Collection	Interview, Observation	Interview Guidelines, Field Notes
Data Analysis	Coding, Thematic Analysis	NVivo Software, Manual Coding Sheets
Data Validation	Triangulation	Verification Checklists

1. Problem Identification: The researcher examined discrepancies between the normative provisions of *Law No. 12 of 2012* and the actual practices of student organizations at Universitas Pamulang.
2. Data Collection: Data were gathered through semi-structured interviews with active students, HIMA representatives, and faculty members, complemented by direct observations of organizational activities and analysis of official documents.
3. Data Analysis: The data were analyzed following the interactive model of Miles & Huberman (1994), which involves three key steps data reduction, data display, and conclusion drawing/verification. The analysis focused on three interrelated themes: (a) legal compliance with statutory student rights, (b) managerial coordination and governance practices, and (c) the degree of student participation in decision-making.

4. Validation of Findings: To ensure credibility and reliability, the study applied triangulation across data sources, techniques, and time.

Data Testing and Acquisition

Data acquisition was performed directly in the field. Primary data consisted of interview transcripts and observation notes, while secondary data included legal documents, university statutes, and organizational guidelines. The data were examined using content analysis to compare legal mandates with managerial practices, allowing the researcher to identify alignment or divergence between regulatory expectations and institutional realities.

This methodological framework provided a comprehensive foundation for assessing how the absence of BEM at Universitas Pamulang simultaneously affects compliance with higher education law and the efficiency of participatory management. By combining juridical and managerial lenses, the study captures the complexity of governance structures where organizational rights intersect with administrative practice.

3. RESULTS AND DISCUSSION

3.1. Results

The Legal Gap between *Dass Sollen* and *Dass Sein* in Student Organization Rights

Interviews and document analysis reveal that Universitas Pamulang operates without a university-level Student Executive Board (*Badan Eksekutif Mahasiswa* or BEM), relying solely on faculty-based student associations (*Himpunan Mahasiswa* or HIMA). Students consistently expressed that this structure limits their ability to convey collective aspirations and engage in university-wide decision-making. Many respondents described a sense of “representation isolation,” where communication between faculties and the rectorate becomes fragmented and inefficient [6].

This empirical finding indicates a legal and structural gap between the *dass sollen*, what the law prescribes, and the *dass sein*, the actual institutional reality. *Law No. 12 of 2012* requires higher education institutions to facilitate student organizations as part of academic and civic development [7]. Similarly, *Article 28C of the 1945 Constitution* guarantees every citizen the right to self-development through education and organization. The absence of BEM at Universitas Pamulang demonstrates partial non-compliance with these mandates, as the institution fails to provide a centralized platform for student participation.

From a managerial perspective, this situation reflects a misalignment between regulatory expectations and institutional implementation. Without a BEM, there is no integrative mechanism to coordinate cross-faculty activities or represent student concerns to the rectorate. The findings, therefore, confirm that Universitas Pamulang has yet to internalize legal principles of organizational rights into its governance system, resulting in institutional inertia in translating normative requirements into operational practice [8].

Educational Democracy and Legal Accountability

Empirical data also highlight that students view the absence of BEM as a restriction on democratic participation. Interviewees emphasized that while HIMA offers limited opportunities for engagement, it does not foster a university-wide democratic culture. This result suggests that the university's organizational design contradicts the participatory and autonomy principles embedded in national education policy [9].

Interpretively, this gap weakens the democratic dimension of higher education envisioned by Indonesian law. Instead of cultivating politically literate and socially active graduates, the institution risks narrowing student experiences to small-scale faculty activities. Lecturers interviewed similarly acknowledged that the lack of BEM restricts institutional accountability, as there is no structured body to communicate student perspectives in governance meetings. This indicates that legal non-alignment translates directly into reduced managerial accountability and weakens the checks-and-balances mechanism essential to modern university governance [10].

Managerial Implications of the Absence of BEM

From a management standpoint, observations and interviews show that decision-making processes at Universitas Pamulang are predominantly top-down, with limited student consultation. Faculty administrators confirmed that students' feedback is seldom included in strategic planning [11]. This finding evidences restricted participatory governance and confirms the managerial inefficiency associated with the absence of a representative student body.

Data also reveal that the lack of BEM reduces interfaculty collaboration. HIMA leaders described frequent event duplication and a lack of coordination across faculties. This finding demonstrates organizational fragmentation, leading to wasted resources and reduced synergy [12]. In contrast, universities maintaining active BEMs reported smoother coordination and enhanced collective identity, underscoring the managerial disadvantage of Universitas Pamulang's current structure.

Interviews further show that students perceive fewer opportunities to develop leadership skills. Without a BEM, they are unable to engage in high-level negotiation, policy dialogue, or campus-wide project management, key components of leadership education [13]. The data thus reveal that the absence of BEM limits students' holistic development and undermines one of the central objectives of higher education management.

Lecturer responses also point to weakened accountability mechanisms. Without a student representative body, the university lacks horizontal accountability, that is, accountability directed to the academic community rather than merely to regulatory authorities [14]. Consequently, transparency and feedback loops are diminished, reducing the institution's responsiveness to student needs.

Student Perspectives on Organizational Rights and Academic Development

Student interview data were organized into four major themes, summarized in Table 2.

Table 2. Summary of Student Perspectives on the Absence of BEM

Theme	Student Response Example	Frequency
Limited Representation	“We only have a voice within our faculty, not at the university level.”	18
Reduced Interfaculty Synergy	“It is difficult to coordinate with other faculties without a common body.”	12
Academic Development Concern	“BEM usually supports academic events across faculties, and we miss that here.”	9
Satisfaction with HIMA	“At least HIMA gives us some activities, but it is not enough.”	15

The dominant finding is limited representation, reported by most respondents. Students expressed frustration over the inability to influence university-level policies and to participate in cross-faculty initiatives. This finding suggests a systemic restriction on student voice, which directly affects academic and organizational development. Interpretation of these results confirms that the absence of BEM diminishes both legal protection of student rights and managerial effectiveness in governance.

Comparative Analysis with Universities Maintaining BEM Structures

To contextualize the findings, Universitas Pamulang’s structure was compared with several major universities that maintain active BEMs, such as Universitas Indonesia (UI), Universitas Gadjah Mada (UGM), and Universitas Brawijaya (UB) [15]. Data from institutional reports and prior studies show that these universities enjoy more effective coordination, higher accountability, and broader student participation. The comparison is summarized in Table 3.

Table 3. Comparison of Student Organizational Structures

University	Existence of BEM	Role in Governance	Impact on Management
Universitas Pamulang	No	Representation limited to HIMA	Fragmented coordination, weak interfaculty synergy
Universitas Indonesia	Yes	Strong liaison between the rectorate and students	Enhanced participatory management and conflict resolution
Universitas Gadjah Mada	Yes	Supports academic policy feedback	Strengthened academic-community engagement
Universitas Brawijaya	Yes	Mediation in student conflicts	Improved decision-making and policy legitimacy

These comparative findings show that Universitas Pamulang is an exceptional case among large universities in Indonesia. The absence of BEM contributes to legal inconsistency, due to unmet regulatory obligations and managerial fragmentation, resulting in weaker participatory governance than in other institutions [16].

Overall, the results reveal a consistent pattern: the absence of a Student Executive Board (BEM) at Universitas Pamulang produces both legal non-alignment and managerial

fragmentation. Empirical evidence from interviews, observations, and comparative analysis confirms that this structural condition undermines participatory governance, limits student leadership development, and weakens institutional accountability [17]. The findings underscore the necessity for higher education institutions to align legal compliance with participatory management practices to ensure democratic, inclusive, and effective governance.

3.2. Discussion

The findings indicate that the absence of a Student Executive Board (*Badan Eksekutif Mahasiswa* or BEM) at Universitas Pamulang represents not merely an issue of administrative discretion but a structural deviation from the principles of participatory governance. This condition exposes a gap between the legal obligations mandated by *Law No. 12 of 2012 on Higher Education* and the managerial realities of institutional practice [18]. The disjunction between normative expectations and operational implementation demonstrates how governance systems in higher education can fail to internalize democratic values, even when such values are legally guaranteed. Thus, the problem is not simply a lack of organizational form, but the erosion of participatory mechanisms essential to inclusive and accountable university management.

From a legal perspective, the research reaffirms that *Law No. 12 of 2012* and the constitutional provisions in *Article 28C of the 1945 Constitution* recognize students' rights to association and participation in educational governance [19]. However, in practice, Universitas Pamulang has chosen to delegate organizational representation solely to faculty-based associations (HIMA), arguing that such arrangements are sufficient to handle student affairs. This finding contrasts with the intent of national law, which positions BEM as a centralized institution of representation designed to balance authority between students and university administrators [20]. The gap between what the law envisions (*dass sollen*) and what the university implements (*dass sein*) highlights an enduring tension between regulatory compliance and managerial control.

Compared with previous studies, this research's results make a distinct contribution. Prior works by Tilaar and Indrawati emphasized that student organizations are foundational for building a democratic campus culture and ensuring participatory management in higher education [21]. Likewise, Sutrisno and Wijayanti argued that BEM serves as a platform for checks and balances between students and administrators [22][23]. While these studies highlighted the importance of student representation in general, the present research extends the discussion by examining the consequences of its absence, particularly within a large private university context. By analyzing the dual dimensions of legal non-alignment and managerial fragmentation, this study introduces an interdisciplinary framework that connects juridical interpretation with practical governance evaluation, an approach rarely applied in previous literature on student organizations.

From an educational management perspective, the absence of BEM has disrupted the model of participatory, transparent governance. Interviews revealed that decision-making within Universitas Pamulang remains predominantly top-down, with minimal student involvement in policy formulation. This condition aligns with Indrawati's

observation that participatory management requires active student representation to achieve institutional accountability [24]. Without BEM, the flow of communication between students and administrators becomes fragmented, reducing opportunities for consensus-building and joint problem-solving. Consequently, managerial efficiency and institutional legitimacy are both compromised, indicating that the fulfillment of legal mandates directly correlates with effective educational management [25].

The findings also demonstrate that institutional culture plays a significant role in shaping this governance gap. University administrators appear to perceive BEM as a potential source of political agitation, opting instead for faculty-level organizations that are easier to control. While such arrangements may prevent open conflict, they also weaken leadership development and civic engagement among students [26]. This managerial preference for stability over participation contradicts both legal guarantees and pedagogical ideals. Sustainable institutional stability, as noted in educational management literature, is achieved not through suppression but through structured participation, which empowers students as stakeholders rather than passive recipients of policy [27]. The case of Universitas Pamulang thus serves as a critical example of how institutional control can unintentionally undermine democratic education.

In broader terms, the research underscores the need to rethink higher education governance in Indonesia. Universities should not view compliance with student organizational rights as a mere administrative formality, but as an integral component of good governance and quality assurance. Integrating legal mandates with participatory management practices would enable universities to cultivate democratic culture, accountability, and inclusivity within their institutional frameworks [28]. This study therefore strengthens the argument of previous scholars, such as Munthe et al. (2023), who contend that active student representation enhances both leadership development and policy legitimacy [29].

Policy implications arise from this analysis. Policymakers and university leaders must harmonize institutional autonomy with the binding legal requirement to facilitate representative student organizations. Establishing and empowering BEM or equivalent bodies would ensure that students have structured channels for participation in academic governance. Such alignment between law and management would not only fulfill statutory obligations but also advance the quality, transparency, and democratic ethos of higher education institutions in Indonesia.

4. CONCLUSION

This study concludes that the absence of a Student Executive Board (Badan Eksekutif Mahasiswa or BEM) at Universitas Pamulang represents a deeper structural deviation from the principles of participatory governance mandated by Law No. 12 of 2012 on Higher Education. The condition illustrates how institutional discretion, when not guided by legal and managerial alignment, can limit democratic engagement and weaken organizational accountability within universities. Rather than a simple administrative omission, the absence of BEM exposes broader challenges in harmonizing legal compliance with effective management in Indonesia's higher education system.

The implications of this research emphasize the necessity for universities to treat student representation as a cornerstone of institutional governance, not a supplementary activity. Legally, compliance with national education law should ensure that student organizational rights are protected and operationalized. Managerially, fostering participatory structures such as BEM can strengthen coordination, accountability, and leadership development, all of which are directly tied to educational quality and institutional legitimacy. Policymakers and university leaders must therefore integrate legal obligations and participatory management into policy frameworks to build a more inclusive and democratic educational environment.

This research is bounded by its focus on a single case study, namely Universitas Pamulang. While this approach provides an in-depth understanding, it limits the generalizability of the findings. Differences in institutional size, culture, and regulatory interpretation may yield varying outcomes in other universities. Future studies could adopt a comparative or multi-case design to explore how legal compliance and student participation interact across diverse higher education contexts, including public and regional private institutions.

For future research, exploring the longitudinal impact of establishing student representative bodies such as BEM or equivalent organizations would provide valuable insight into how participatory governance affects leadership development, institutional stability, and academic outcomes. Quantitative or mixed-method approaches could also be used to measure correlations between student representation and governance effectiveness, thereby expanding the analytical depth of this field.

In a broader societal context, this study contributes to understanding that student organizations are not merely instruments of campus politics but are also integral to cultivating civic responsibility and democratic culture among young citizens. Strengthening student representation in universities helps develop future leaders who can actively participate in governance beyond the campus. Thus, aligning legal mandates with participatory practices in higher education not only benefits institutional management but also reinforces democratic values across Indonesian society.

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