

VILLAGE BUREAUCRACY REFORM IN DEMOCRATIC AND AUTONOMY ERA IN INDONESIA: STUDY OF THE ESTABLISHMENT OF LAWS AND REGULATIONS METHOD BY IRR MODEL

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ABSTRACT

The strategy of reforming the bureaucratic culture through regulatory reform, namely the renewal of regulations relating to village bureaucratic apparatuses, has an important role as a strategy to become the foundation for implementing village governance. This linear concept, Lawrence M. Friedman, that the study of village bureaucratic reform must pay attention to legal systems, namely structural, substance and legal culture. Guaranteed public service bureaucratic reform is the presence of law which is the basis of the development of optimizing public services in Democracy, Human Rights and Law. Between the three, they have a pyramidal relationship based on pillars of the needs of a just village community. This means that Law, Human Rights and Democracy are components of the achievement of the needs of the equitable village community through all three in a synergy that is concrete with the regulation of public services. Ironically, the regulations that occur empirically are sporadic, ineffective coordination and inconsistency and incoherence in the village public service system. The focus of this paper includes: (1) cultural reform of the establishment of public service regulations based on the needs of rural communities, and (2) a model for establishing public service regulations based on the needs of rural communities to realize a democratic bureaucratic culture. The RegMap-Regulatory Impact Assessment Integrative Model is discussed using several theories and compared to cases in the field.

Keywords: Bureaucratic Reform, Village Government, Model of Integrative RegMap-Regulatory Impact Assessment (IRR)

INTRODUCTION

Institutionalization of democracy in the village is still faced with a number of obstacles, including hierarchical-dominative social structures, community conservatism, and lack of attention to political institutionalization. Feudalism culture until now still has not disappeared completely, both for the bureaucratic apparatus, the village elite, and the village community. A common phenomenon is that the majority group that is marginalized in socio-economic dynamics tends to be unable to voice their interests. Public discourse is controlled by the rulers and the social groups that dominate it. This argument as emphasized that based on the conditions faced by Indonesia today it is necessary to formulate a strategy for empowering rural communities in the future so as to be able to expel rural communities from the problems they face. This means that there is a need for updates on village governance, village parliaments, local institutions, as well as economic participation and access of marginalized (poor) groups to policies and distribution of resources (Cahyono, 2012; Kamardi, 2003).

In fact, according to Cahyono (2012), Blair (2000), and Lapera (2000) that democratization in rural areas is considered as a new power to *fight* the practices of authoritarianism and the domination of the village elite. The main goal of village democratization is to make village administration more accountable, responsive, and legitimate; make a village parliament work as representative and intermediary institutions (articulation, aggregation, policy formulation, and control); and strengthening community participation in government processes and village development. Participation also spoke of the involvement of marginalized groups, especially the poor, who had been marginalized by an elitist political process.

Meanwhile, various efforts to create a democratic and accountable government and government must still be carried out on an ongoing basis. The fact that happened in Indonesia, especially after the fall of the authoritarian regime of the New Order and was followed by the emergence of regimes in the reform era that claimed to be democratic regimes. The realization of democratic governance seems to still show that there are many obstacles that must be faced, but at least there is a willingness to realize truly oriented governance in fulfilling public demands and that meets the dimensions of public accountability (Prasetyo, 2005).

The decentralization policy also has a tendency to simply apply the principles that are considered democratic at all levels of society both at the central, regional and even at the lowest levels of government and society such as at the village level. Policy makers forget that the dynamics of society and culture that are still recognized and enforced, in fact play a very important role

in manifesting the desire to build a democratic government and society. Local culture has two dimensions that can sometimes be supportive and can also be opposing the expected democratization movement.

Decentralization policy, as a form of democratized procedure that provides a large portion of public accountability also has a tendency to simply apply the principles that are considered democratic at all levels of society at the central, regional and even at the lowest levels of government village. Policy makers forget that the dynamics of society and culture that are still recognized and enforced, in fact play a very important role in manifesting the desire to build a democratic government and society. In fact, Prasetyo (2005) emphasized that local culture has two dimensions that can sometimes be supportive and can also be opposing the expected democratization movement. In the context of democracy, village and its local regulations recognized as one of the forms of democracy often intersect with interests, especially for regulations relating to the management of resources in the village (Moonti, 2018). In fact, democracy should occupy a vital position related to the division of power in a country. Generally based on the concept and principle of *trias politica* with state power obtained from the people, and must be used for the welfare and prosperity of the people. The principle of *trias politica* becomes very important to be taken into account when the historical facts record that the power of the (executive) government is so large that it is unable to form a just and civilized society, even the opposite which often arises from the absolute authority of the government human rights (Rodiyah, 2011; Rodiyah, 2014).

The implementation of democracy in the village has the main objective of providing welfare to the village community, and to monitor and direct the implementation of a method required in policy formulation, one of which is through Integrative RegMap-Regulatory Impact Assessment (IRR). IRR that adopted from Regulatory Impact Assessment (RIA) recognized as a tool to enhance the transparency, social efficiency, and legitimacy of regulatory policies (Baldwin, 2011; Porpora, 2014). Then, the IRR and RIA become one of solutions to create a good policy in local context Indonesia.

VILLAGE BUREAUCRACY REFORM IN THE PERSPECTIVE OF INDONESIAN DEMOCRACY

One of the main factors and actors who play a role in the realization of clean government and good governance is the bureaucracy itself. In such a position and its important role in managing public policies and services, bureaucracy greatly determines the efficiency and quality of service to the community, as well as the efficiency and effectiveness of implementing government and development. The law has been stipulated by the legislative and promulgated by the government, and various public policies as outlined in various forms of legislation developed in the context of state administration and development, can be managed effectively by the government if there are healthy and strong bureaucracies, namely professional bureaucracy, neutral, open, democratic, independent, and has integrity and competence in carrying out their duties and responsibilities as public servants and state servants, in carrying out the mission of the nation's struggle to realize the ideals and goals of the state.

The history of Independent Indonesia shows that a non-neutral bureaucracy has helped bring Indonesia to the brink of political chaos; and a non-neutral bureaucracy always grows along with certain political or group strengths and interests, is always caught up in the temptation of KKN, and ultimately also brings our country to economic collapse. Such a thing has happened to every government regime; with similar consequences and impacts in the form of weaknesses in the institutional building of law, and the destruction of economic, political and social life (Mustopadidjaja AR, 2003)

Bureaucracy itself, according to Cope (1997), historically was proposed and implemented as a reform of the undemocratic, elitist, and often corrupt political and governmental systems that preceded it—systems complete with patronage, special interest influences, inefficiency, and high taxes. Bureaucracy now is associated often with similarly pejorative concepts such as inefficiency, rule-bound action, low productivity, lack of responsiveness, and high taxes. Bureaucratic reform often is cited as the way to ameliorate if not eliminate these ills, to increase government's responsiveness to the public's needs, and to improve the political accountability of government agencies and bureaucrats. But, Suwandoko and Rodiyah, (2018) stated that in Indonesia, bureaucratic reform is a public hope for the government to be able to combat corruption and establish a clean government and efficient, responsive and accountable public services.

A good village government system with adequate competency in apparatus resources contributes to improving the quality of public services. At present, the village government has magnetism and high competitiveness. In this regard, the central government explicitly expects a positive paradigm for the implementation of village governance, namely that the village government must create a conduciveness in improving the quality of services to the community and increasing the welfare and independence of the village.

Bureaucratic reform and service, according to Hayat (2016) have a close relationship. The need for bureaucratic reform in the village government is important in improving the quality of public services. Village bureaucratic reform will form a good village government system with the quality of competent apparatus resources. Village management must be carried out through gradual and continuous bureaucratic reform. This is to ensure the implementation of the Village Law runs as expected. Issues that have surfaced must be used as challenges for the village in the future to be better, for example the readiness of the village

government, apparatus resources, and a weak village governance system. Resolve the problems that exist within the framework of implementing government in a gradual and sustainable manner, while developing the potentials that exist in the village government so that all components and elements of the village have synergy and connectivity in organizing the government. This argument in line with Imawan (in Tamrin *et.al* 2014) emphasized that reform, literally has the meaning of a movement to reformat, rearrange or rearrange things that are deviant to be returned to the original format or form in accordance with the ideal values aspired by the community, and bureaucratic reform is carried out in order to realize good governance.

The village government also recognized as the element of the most basic government in the region plays an active role in implementing the principle of regional autonomy provided by the central government to local government in this case autonomous regions (Widjaja, 2002; Maharani, 2018). In case of empowerment of village government, the accountability and transparency become an important points, in which that accountability as a term inherent in the study of governance. Accountability itself has several meanings and various types, whose terminology is often associated with several concepts such as answerability, responsibility, liability and other terminology related to the expectations of the creditor with the executor of the mandate (Ash-shidiqui, Wibisono, 2018). In a political context, accountability briefly covers expectations or behavioral assumptions of relations between the credentials and recipients of mandates, whereas in a broader concept accountability allows negative feedback after decisions or actions are taken, so accountability has a very important function to prevent misuse of facilities, facilities, and public budgets by an institution (Setiyono, 2014).

In the national context, the accountability in the frame of bureaucratic reform—in order to accelerate the implementation of bureaucratic reform in Indonesia to run well—the government in this case the Ministry of Administrative Reform and Bureaucratic Reform implemented nine programs to achieve eight areas of change which were the objectives in implementing the grand design of bureaucratic reform. With the existence of nine bureaucratic reform programs, it is expected that it will encourage the implementation of bureaucratic reform in the ministries, institutions, and regional governments to be more directed and run well and can achieve the ultimate goal of bureaucratic reform. Bureaucratic reform programs are arranged as a step to overcome the fundamental problems that occur in the administration of government, starting from fat organization, overlapping laws and regulations, incompetent officials, overlapping authority, bad public services, rule-based mindset, and even the performance culture that has not been built.

VILLAGE BUREAUCRATIC REFORM BASED ON LAW NO. 6 OF 2014 TO REALIZE EXCELLENT SERVICE TOARDS INDEPENDENT AND PROSPEROUS VILLAGES

Development is a multidimensional process, including changes in orientation and organization of social, economic, political and cultural systems. While economic development is part of the development process which includes the efforts of a community to develop economic activities and improve welfare. That means economic development can also be interpreted as a process that causes a society's real per capita income to increase in the long run. In addition to increasing production and income the process will also bring fundamental changes in the economic structure of society.

The development of the village itself is recognized as all development activities that take place in the village and cover all aspects of community life, carried out in an integrated manner by developing self-help and mutual cooperation. Implicit in the concept contained the conditions for the pure participation of rural communities in development as the subject as well as the object of development itself. Pure participation must be interpreted that every economic actor must participate in each stage of village development in accordance with their background, abilities or productivity and their respective expertise based on a sense of responsibility and tolerance for common interests. But in fact, there are many influences of power and politics that are more dominant in village management.

In the case of power and authority, politic, as emphasized by Harling (1992) that Political squabbles occasionally got out of hand and threatened to subvert the chain of administrative authority. That why, Harling said the power of persuasion in central authority and local bureaucracy occurred a new poor law. In the Harling's terminology, *Revolution in Bureaucracy*, it related to power and influence. In the other cases, Meier and Crotty (2006) used *Representative Bureaucracy* to explain the relationship among parties in the bureaucratic reform.

Village Government in Indonesia itself, historically and legally regulated by Law Number 32 of 2004 on Local Government and Government Regulation (PP) Number 72 of 2005 on The Village. However, at the end of 2013, precisely December 18th, the Indonesian Government issued new Law No. 6 of 2014 on The Village. Thus the policy termination occurs of Law No. 32 of 2004 on Local Government as the basis for the regulation of the village. Local Government emerged as the principle of decentralization. Mawhood (1987) as quoted by Wanusmawatie (2014) suggests that the main objectives of the decentralization policies attempt to realize the balance of political (political equity), local accountability, and local responsibility. The conditions to be met to achieve this goal is to have a legal territorial of power, locally raised revenue, local representative body which is able to control the local executive which chosen by the public through a free election.

Furthermore, the reform aims to create an independent village, in which according to Setiawan (2018) village independence is a very important thing moreover right now with the presence of the Village Law, independence principle becomes a positive legal norm. Philosophically, independence can create a strong foundation in implementing the government and development towards fair and prosperous society. Setiawan emphasized some problems. Such as the meaning of independence principle in Law Number 6 of 2014 concerning Village, legal impact which can be raised from managing the principle in the law as well as managing principle of the future village independence in the village law.

One of the efforts to prosper the village community is the optimization of village funds and management of BUM Desa, but both are still not supported by adequate local regulations (Sarayya 2018), as well as various resolutions of legal issues at the local level in the village/adat community which are still not oriented towards justice, legal certainty, and expediency (Winarsih, Wulandari 2016).

Article 67 of the Village Law as explained by Mulyono (2014) affirms that the Village has the right to regulate and manage the interests of the community based on the rights of origin, customs, and socio-cultural values of the village community; establish and manage village institutions; and get a source of income. While the Village community has the right to request and obtain information from the Village Government and oversee the implementation of Village Government activities, the implementation of Village Development, Village community development, and the empowerment of Village communities; and obtain the same and fair services.

In his explanation, Mulyono emphasized that the consistency of village development must be supported by commitment, awareness and active participation of all parties who have an interest in the progress of the village, as a place to realize community welfare. In general, the success of village development will depend greatly on the ability of the *supradesa* government apparatus and the village government, as well as all the components (stakeholders) involved in the administration of village governance, in understanding and utilizing various potential which are owned. In particular, the level of success of the targets (qualitative and quantitative) set, depends more on input from various aspects for the development of Village autonomy based on the latest regulations.

In the framework of facing the dynamics and challenges of the Village autonomy going forward, it is necessary to have a general policy for the development of village autonomy as an effort to further direct and optimize the implementation of village development in a comprehensive, integrated and well-coordinated manner in order to achieve welfare goals effectively and efficiently. The development of village autonomy should be directed at the mission of creating people's welfare by bringing service and development closer to the community.

BUREAUCRATIC REFORM THROUGH VILLAGE REGULATIONS ON IRR-BASED VILLAGE GOVERNANCE SERVICES

The Integrative Model RegMap-Regulatory Impact Assessment (IRR) is a model constructed using the meaning of RegMap (mapping existing regulations through synchronization and harmonization of existing vertical and horizontal laws and regulations so as to produce regulatory priorities contained in the national legislation program and/or local legislation program) then regulatory priorities must be RIA immediately. This means that after going through RegMAP, the implementation of RIA will be more effective by using six stages, namely problem formulation, identification of objectives, alternative actions, analysis of costs and benefits, selection of actions and implementation strategies. This model will promote the good local regulation.

Local regulation, in the context of village, as well as the establishment of the Draft Law or Draft Regional Regulation of Legislation requires an in-depth and comprehensive study of the theory or scientific thought relating to the material content of the Draft Law or Draft Regional Regulation to be formed. Scientific thinking leads to the compilation of philosophical, sociological and juridical arguments in order to support the need for or not the need for drafting a Draft Law or Draft Regional Regulation (Darmawan, 2014), and the most important thing of the regulations itself beside the implementation, is supervision. The regulation aims to create clean and good village governance, as well as to create an independent and prosperous village.

Meanwhile, related to the supervisory function of the village government, Sayuti, Hamidi, and Dahlan (2014) revealed that there are at least three functions of Village Government Supervision in Law Number 6 of 2014 concerning Villages, namely:

1. Village principles are driven by the concept of independence. This means that by realizing village independence, village government is able to encourage village democratization, local wisdom, participation, transparency and accountability in village development.
2. Strengthening the political function of the Village Consultative Body (BPD). The authority of the BPD has experienced significant changes. The shift in the role and function of the BPD has changed again after the enactment of Law Number 6 of 2014 concerning Villages. Regulations according to the law exclude BPD from government administrators and weaken BPD legislative functions.

3. Regarding community participation. In Law Number 6 of 2014 concerning Villages, village communities were involved in the decision-making process in the village discussion forum. This is the progress point of village democracy by involving the participation of the community in every stage of planning, implementing and evaluating village policies.

Furthermore, explained that the Government Regulation Number 43 of 2014 concerning Regulations Implementation of Law Number 6 Year 2014 concerning Villages, villages lead to the stage of administering independent government. According to the government regulation, the village government implements transparency and accountability of the government through village accountability reports that are submitted to the Regent/Mayor through the *Camat*.

As for the mechanism of the head accountability report the village was also delivered to the Village Consultative Body (BPD). The process and mechanism are as material for evaluation by the Regent/Mayor and BPD for the basis of guidance and supervision, as well as the supervisory function of the village head's performance. Besides that, the government regulation also stipulates that the Village Regulations that have been promulgated must be submitted to the regent/mayor as guidance and supervision material no later than 7 (seven) days after promulgation.

The importance of implementing village governance that directs the good village governance order will also lead to efforts to improve and improve government management processes so that performance will be better. Thus, according to Sholekhan (2012) that to encourage the realization of good village governance should be put on two levels. *First*, at the village level it is important to build good governance (transformed into good village governance) that allows the involvement of all village elements in public affairs, governance, and formulates village interests. *Second*, democratization in village government is formed through a process of administering government that extends public space, activates social groups and citizen forums and networks between groups. Based on this model, decision-making and formulation of village interests are not determined by limited elite, but are carried out by the village community in a participatory manner.

CONCLUSION

It seems that in many cases, Village Law still has many gaps and shortcomings. The orientation of village management that also continues to develop often creates problems later on. The form of community participation in realizing independent and prosperous villages can be optimized through the Integrated RegMap Regulatory Impact Assessment (IRR) model as one of the middle ground in bureaucratic reform in the village environment. The success of bureaucratic reform in the village environment will have a significant impact on not only the progress of the village economy, but various other aspects.

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