

Analysis of the Role and Function of Foundations in Realising Private Higher Education that is Free From Corruption, Collusion, and Nepotism towards Good University Governance

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Abstract

This study aims to analyse the factors that influence the occurrence of corruption, collusion, and nepotism in private higher education foundations; Analyze the supervision and control mechanisms implemented by foundations to prevent corruption, collusion, and nepotism and determine the legal construction of the role and function of foundations in private higher education institutions that are free from corruption, collusion, and nepotism based on Good University Governance (GUG). This research is an empirical-normative legal study, complemented by empirical data. The research was conducted for 1 (one) month, starting from March 20 to April 20, 2025. The respondents were 5 (five) representatives of the foundation's management, the vice chairman of the academic institution, lecturers, and employees. The results of this study indicate that the practice of Corruption, Collusion, and Nepotism in private higher education foundations is caused by several primary factors such as lack of transparency and accountability, the dominance of certain families or groups, weak supervision, low leadership ethics, inconsistency of regulations with practices, internal political competition, and economic motives. To overcome this, foundations must implement strict monitoring and control mechanisms, including open recruitment, establishing internal monitoring units and external audits, transparency of financial reports, applying sound governance principles, and enforcing codes of ethics and whistleblowing systems. In the legal context, the role and function of foundations must be constructed based on the principles of Good University Governance (GUG), which makes foundations not only legal entities that organise education, but also motors of governance that are integrated, transparent, and accountable by applicable laws and regulations.

I. Introduction

Corruption, Collusion, and Nepotism, referred to as KKN, are very familiar to the Indonesian people. News about KKN cases always adorns the print and electronic mass media. The practice of KKN has occurred since the colonial era and has increased. KKN is a practice that not only violates the law but also has a detrimental impact on the broader community while benefiting the interests of a handful of individuals. Corruption causes a decline in social welfare, so society must bear the consequences of irresponsible actions carried out by corruptors.¹ Furthermore, Corruption, KKN, is seen as a serious crime because these crimes create destructive social relationships, cause distrust, and result in social disorganisation on a large scale.²

According to data from the Indonesia Corruption Watch (ICW), throughout 2023, there were 791 corruption cases, with 1,695 suspects.³ In line with the data showing that the ASN Education Office and schools mostly carry out educational corruption, the data shows that the most corruption occurs in the Education Office environment, which is ranked first, followed by schools in second place. At the Education Office level, there were 124 cases or 51.6% of the total corruption cases in the education sector, resulting in state losses reaching Rp225.2 billion. Typical forms of corruption include budget mark-ups (20%), budget embezzlement (15%), and extortion (12.6%).

ICW also identified at least 37 corruption cases related to higher education over 10 years from 2006 to August 2016. Based on all the corruption cases, ICW noted at least 65 perpetrators from the academic community, local government employees, and the private sector. In detail, the perpetrators consisted of 32 employees and structural officials at the Faculty or university level, 13 Chancellors or Vice Chancellors, five lecturers, two government officials, and 10 private parties.⁴ Apart from corruption cases in the Education Office, several corruption cases in higher education were prosecuted by APH and ranked third. Although the number of cases is smaller, state losses due to corruption in higher education are much higher. As many as 20 instances prosecuted by APH have caused state losses of IDR 789.8 billion.⁵

One example of corruption in higher education is a corruption case involving the rector of a State University in Lampung, who was arrested directly through a sting operation by the Corruption Eradication Commission, which was in office at that time, Prof. Karomani. After

¹ Nandha Risky Putra & Rosa Linda. "Korupsi di Indonesia: Tantangan perubahan sosial". 2022. *Integritas: Jurnal Antikorupsi* Vol 8, No. 1, 2022, pp. 13-24.

² Paulus Hadisuprpto. "pemberian malu: alternatif antisipatif Korupsi, kolusi dan nepotisme (K.K.N)" 2000. *Jurnal Kriminologi Indonesia* Vol. 1 No. 1 September 2000: 1-9

³ <https://metro.tempo.co/read/1869850/icw-catat-sepanjang-2023-ada-791-kasus-korupsi-meningkat-singnifikan-5-tahun-terakhir>

⁴ Meidy Santje Selvy Kantohe. 2024. *GOOD UNIVERSITY GOVERNANCE (TATA KELOLA UNIVERSITAS YANG BAIK)*. <https://penerbit.pgeografi.unima.ac.id/index.php/press/catalog/view/23/24/163>

⁵ ICW (Indonesian Indonesia Corruption Watch) <https://icw.or.id/yXo>

that, he was further examined the next day with evidence of money totalling around 4.4 billion. The next day, the Corruption Eradication Commission named those caught in the sting as suspects. In a press release he delivered, the Deputy Head of the Corruption Eradication Commission, Nurul Ghufron, said the timeline of several incidents suspected of corruption involving the Rector of the University of Lampung and seven other suspects during the acceptance of new students through an independent selection process. The Rector of the University of Lampung is said to have ordered several other suspects who were his colleagues, such as Mualimin, Budi Sutomo, and Muhammad Basri, to collect money from selected people who were chosen participants who wanted their beloved sons or daughters to be declared to have graduated or graduated by the campus they led.⁶

A similar case occurred in Bali, where the rector of Udayana University was named a suspect in connection with the alleged corruption of Institutional Development Contribution (SPI) funds. The Bali District Attorney's Office named I Nyoman Gede Antara, the rector of Udayana University, as a suspect in a case of alleged corruption of SPI funds for new students through independent selection for the 2018/2019 to 2022/2023 academic years. From the evidence, witnesses, and results of the investigation conducted by the prosecutor's office, it was reported that I Nyoman Gede Antara had caused state financial losses of Rp105.39 billion and Rp3.94 billion, with a total loss of more than Rp100 billion.⁷ Thus, corruption, collusion, and nepotism are serious problems hindering the progress of various sectors of life in Indonesia, including higher education. Corruption practices damage the integrity of educational institutions and reduce public trust in higher education institutions. Foundation organisations that manage private universities (PTS) are crucial in ensuring transparent, accountable operations free from such despicable practices.

In addition to the corruption cases in State Universities (PTN), Private Universities (PTS) are also rife with corruption cases. Such as what happened in one of the PTS in West Java. The West Java High Prosecutor's Office named two suspects in the Smart Indonesia Program (PIP) fund case⁸. The two are HJ, Chancellor of Mitra Karya University (Umika), Bekasi City, and S, the former chancellor of the campus. In his statement, the Head of the Legal Information Section (Kasipenkum) of the West Java High Prosecutor's Office, Nur Srichahyawijaya, said that this corruption case occurred in 2020-2022. The prosecutor's office also noted that the state losses incurred by the actions of the two reached IDR 13 billion.

⁶ Alike Faza Qintharad kk. 2023. Penguatan Rancangan Good University Governance Dalam Pencegahan Korupsi Di Perguruan Tinggi. *RechtIdee*, Vol. 18, No. 2, December 2023. <https://core.ac.uk/download/599434061.pdf>

⁷Website Dewan Perwakilan Rakyat Indonesia. <https://www.dpr.go.id/berita/detail/id/43633/t/Kasus%20Korupsi%20Petinggi%20Universitas%20Memalukan%20Indonesia>.

⁸ [https://www.detik.com/jabar/hukum-dan-kriminal/d-7229527/rektor-di-bekasi-jadi-tersangka-kasus-korupsi -dana- pendidikan-rp-13-m](https://www.detik.com/jabar/hukum-dan-kriminal/d-7229527/rektor-di-bekasi-jadi-tersangka-kasus-korupsi-dana-pendidikan-rp-13-m).

Higher education institutions play a strategic role in producing the nation's superior and quality future generations. Universities are expected to be examples of integrity and professionalism. However, corruption, collusion, and nepotism in the management of private universities can hinder this noble goal. As institutions that should be pillars of honesty and ethics, universities tainted by corruption, collusion, and nepotism will have difficulty creating a healthy and innovative academic environment. The Education Foundation is an institution that organises education in formal and non-formal forms. The data for this foundation is presented using the NPYP (Education Foundation Main Number) as a reference code. The legal basis for the establishment of educational units within the Ministry of Education, Culture, Research, and Technology refers to Permendikbud No. 81 of 2013, Article 2; Permendikbud No. 36 of 2014, Article 2; Permendikbud No. 84 of 2014, Article 2; and Permendikbud No. 7 of 2020, Article 1. Meanwhile, for educational units under the Ministry of Religion, the legal basis is stated in PMA No. 14 of 2014, PMA No. 66 of 2016 Article 9, PMA No. 30 of 2020 Article 3, PMA No. 54 of 2014 Article 4, PMA No. 27 of 2016 Article 6, PMA No. 10 of 2020 Article 6, and PMA No. 39 of 2014 Article 6.

Based on Law Number 16 of 2001, which was later amended by Law Number 28 of 2004 concerning Foundations, foundations have a strong legal basis. A foundation is established through a notarial deed, and the foundation is entitled to obtain legal entity status after the deed is ratified by the Minister of Law and Human Rights or an appointed official. As a legal entity with a social, religious, and humanitarian character, the foundation has an organisational structure consisting of a patron, administrator, and supervisor.⁹.

The foundation that manages PTS is responsible for resource management, strategic decision-making, and campus operational supervision. The functions of the foundation include financial management, appointment of campus officials (including appointing and dismissing the rector), and preparing strategic policies. With this vital role, the foundation is expected to be the first line of defence in preventing and eradicating KKN practices. A practical and integrated foundation will create a transparent and accountable system, thereby reducing corruption, collusion, and nepotism opportunities. The foundation, as the organising body of PTS, has a reasonably significant role in realising good university governance based on the principles of Good University Governance (GUG)¹⁰, namely Transparency, Accountability, Responsibility, Independence, and Justice/Fairness

Based on the results of research conducted by Sumarni, the function and role of the foundation are adjusted to 8 Education standards, namely content standards/curriculum development, standards for educators and education personnel, processes, facilities and infrastructure,

⁹ Suryarama. "peran yayasan dalam pengelolaan bidang pendidikan pada perguruan tinggi swasta" Jurnal Organisasi dan Manajemen, Volume 5, Nomor 1, Maret 2009, 55-62

¹⁰ Muhammad Azan Adha Elwan dkk "peran yayasan dalam aras kewenangan untuk mewujudkan tata kelola perguruan tinggi swasta yang baik (good university governance)". 2022. SIMBOL (Jurnal Administrasi Publik dan Pemerintahan): Vol 1, No. 2 (Agustus)

management, and financing¹¹. Although the foundation's role is very strategic, many challenges are still faced in its implementation. Some foundations may not have adequate oversight mechanisms or be less transparent in their financial management. In addition, intervention from external parties and a culture of patronage are still often found, potentially increasing the risk of corruption, collusion, and nepotism. The lack of human resources with competence and integrity is also one of the challenges in realising effective governance.

Analysis of the role and function of foundations in realising a PTS free from corruption, collusion, and nepotism is very relevant and urgent. This study is expected to provide in-depth insights into the role of foundations in managing resources. It can carry out its roles effectively to create universities free from corruption, collusion, and nepotism practices. In addition, the findings of this study are expected to be used as guidelines for other foundations in improving governance and integrity, so that they can contribute to creating a better education system in Indonesia.

Thus, this study will focus on mapping the role and function of foundations, identifying the challenges faced, and formulating recommendations that can be applied to overcome corruption, collusion, and nepotism problems in private universities. This study is relevant to the study conducted by Sumarni (2018) regarding the role and function of foundations in managing madrasah education.¹² One of the recommendations is that foundations need to improve their coaching function to improve the quality of human resources, madrasah management, and financial administration management. If this is not implemented effectively, PTS will not achieve optimal standardisation, so the potential for corruption, collusion, and nepotism practices will increase significantly.

2. Method

This research is Empirical-normative legal research and is equipped with empirical data. The empirical data required in this study include documents and policies: Analyzing policy documents, foundation regulations, and internal regulations of universities related to the prevention of corruption, collusion, and nepotism, and Policy Evaluation: Assessing the effectiveness of policies and regulations implemented by the foundation in realising private universities that are free from corruption, collusion, and nepotism.

This research was conducted at STKIP Taman Siswa Bima. STKIP Taman Siswa Bima is a Teacher Training and Education College in Bima Regency, West Nusa Tenggara Province. The

¹¹ Sumarni. Peran dan fungsi yayasan dalam pengelolaan pendidikan madrasah. *EDUKASI: Jurnal Penelitian Pendidikan Agama dan Keagamaan*, 16(2), 2018, 218-231

¹² Sumarni. Peran dan fungsi yayasan dalam pengelolaan pendidikan madrasah. *EDUKASI: Jurnal Penelitian Pendidikan Agama dan Keagamaan*, 16(2), 2018, 218-231

campus has two campuses; the main campus (campus 1) is at Jalan Pendidikan Taman Siswa No.1, Talabiu Village, Belo District, Bima Regency. In addition, Campus 2 is located at Jalan Datuk Dibanta Jatiwangi, Asakota District, Bima City, West Nusa Tenggara Province. In this study, in-depth interviews were conducted with the secretary of the Sudirman Taman Siswa Bima Foundation, the Head of the Institution/deputy head of the STKIP Taman Siswa Bima Institution, the Campus 2 service coordinator, permanent lecturers and permanent employees of STKIP Taman Siswa Bima, while in this study the documents collected were in the form of written documents to support the research results in the form of laws, journals/articles of research results or references from books related to the variables studied. The data analysis technique used in this study was qualitative data analysis.

3. Results and Discussion

Factors Influencing the Occurrence of Corruption, Collusion and Nepotism in Private Higher Education Foundations.

To obtain data related to the factors influencing the occurrence of Corruption, Collusion, and Nepotism in Private Higher Education Foundations, an in-depth interview was conducted with the Secretary of the Sudirman Taman Siswa Bima Foundation related to Foundation Governance (both internally and externally); Transparency and accountability, organisational culture and regulations and compliance. The interview was conducted on March 25, 2025, with 10 questions. In addition to in-depth interviews, a literature study was conducted from laws, journals/research articles, and references from books related to the variables studied. Based on the interview, information was obtained:

"The decision-making mechanism in the foundation is carried out through meetings, consensus, and deliberation with the foundation's management".

This statement shows that formally, the foundation adopts the principles of deliberation and consensus as the basis for decision-making. This reflects a participatory approach at the internal management level, where decisions are not taken unilaterally by one individual or a particular position, but through a collective forum in the form of a management meeting. This mechanism is in line with the principles of foundation governance as stipulated in: 1) Law No. 16 of 2001 concerning Foundations and Law No. 28 of 2004 (its amendments), which stipulate that foundations are managed by organs that have their respective duties and functions (Supervisors, Management, and Supervisors). 2) Decision-making through management deliberations shows that the foundation has formally fulfilled the collegial collective principle, an essential principle in the governance of non-profit institutions. The meetings in question must be held regularly and documented, The results of the meeting decisions are open and can be accessed by other

foundation organs, including the campus (if relevant); The deliberation process truly reflects a democratic discussion, not just a formality for the legitimacy of decisions that certain parties have determined.

The following interview obtained information about the recruitment and appointment process of officials carried out in the Foundation.

"The recruitment and appointment process of officials and employees is carried out very strictly, through stages of administrative selection, tracking of track records, written tests (cognitive psychological tests, personality, and certain tendencies), interview tests, tests of ability to recite and memorise the Qur'an. Selected employees also undergo training and ongoing mentoring."

This information shows that the foundation has implemented the principle of merit-based selection (merit-based system) in recruiting employees and structural officials. The strict and multi-layered process, such as tracking of track records, psychological tests, and in-depth interviews, reflects a commitment to ensuring the quality and integrity of human resources. This practice complies with the principles of good governance in human resource management: 1) Transparency and objectivity of selection, which are essential elements in preventing nepotism and collusion. 2) Accountability in job placement, because each official goes through stages of evaluating abilities and personality. 3) Training and mentoring activities after the appointment show efforts to strengthen institutional capacity continuously. From a legal perspective, this mechanism can be considered in line with the mandate of Article 26 of Law No. 16 of 2001, which stipulates that foundation administrators must carry out their functions in good faith and with full responsibility, which can be initiated with transparent recruitment. With a structured process, tested through objective indicators (psychological tests, track records), involving moral and religious values (ability to recite and memorise the Qur'an), the potential for corruption, collusion, and nepotism in appointing officials becomes smaller. This confirms that the foundation does not solely consider personal closeness or family relationships when placing positions (anti-nepotism).

The relationship of the Foundation with external parties is as follows, as shown in the interview results.

"The Foundation has good relations with external parties, such as the government, donors, and other foundations."

The statement indicates that the foundation actively establishes harmonious and constructive external relations. Good relations with the government, donors, and other foundations indicate a collaborative orientation, characteristic of modern non-profit institutions that are adaptive and open to cross-institutional synergy. In the context of private higher education foundation governance, good external relations reflect: Openness to public accountability, especially when it comes to cooperation 1) with the government (for example in terms of permits, supervision, or funding); 2) The ability to build strategic

networks, both for institutional development and improving the quality of education services. 3) Fulfilment of participatory and responsive principles, as adopted in the principles of good governance. This good relationship can also indicate that the foundation is not closed or exclusive, which is generally one of the leading causes of the emergence of KKN practices due to weak public supervision. Healthy external relations have great potential in narrowing the scope for KKN practices within the foundation. The reasons are:

- 1) External donors and partners usually have high reporting and accountability standards.
- 2) Relations with the government open up space for periodic evaluation and supervision.
- 3) Cooperation between foundations can create an exchange of good practices and benchmarking that encourages transparency. Thus, good external relations can influence social and moral control over deviant behaviour in foundation management.

Next, related to the regulation and compliance of the foundation with the applicable rules and norms, information was obtained that the foundation always complies with the relevant regulations. If officials of the institution or management are considered to have committed violations, the report will be followed up by involving the code of ethics team.

"The way the foundation handles violations related to corruption that may occur is by involving the code of ethics team"

The involvement of the code of ethics team in handling alleged corruption violations is a strong indicator that the foundation has an internal system that supports an anti-corruption culture and integrity-based governance. However, the effectiveness of the role of the code of ethics team is highly dependent on its independence, the strength of internal regulations, and the full support of the foundation's leadership in following up on the results of its recommendations. If managed properly, the code of ethics team strategically builds private universities free from corruption. A code of ethics team is a strategic step in strengthening internal governance. In the context of private educational institutions based on foundations, this team has the potential to:

- 1) Become part of a non-legal control mechanism, which is moral and ethical but remains institutionally binding.
- 2) Provide procedures for resolving internal conflicts in an orderly and structured manner.
- 3) Provide space for complaints and evaluation of actions that deviate from the foundation's values, before the problem develops into a legal problem.

Thus, the factors that influence the occurrence of corruption, collusion, and nepotism in the management of private universities by foundations are not only structural and procedural but also cultural and ethical. To create a PTS free from corruption, collusion, and nepotism, it is necessary to strengthen the governance system that includes transparency, accountability, meritocratic recruitment, independent supervision, and instilling a strong culture of integrity at all levels of the foundation and university organisation. This is reinforced by Anisa Azmi et al. regarding the factors that influence

the occurrence of corruption, collusion, and nepotism.¹³:

Several factors that generally trigger corruption in the university environment include: 1) Lack of transparency and lack of accountability: A system that is less transparent and lacks accountability can create loopholes for corrupt practices; 2) Lack of adequate supervision and control mechanisms allows perpetrators of corruption to operate undetected; 3) Increased Competition and Ambition: Increasing competition among universities to obtain resources, research funds, or the highest academic rankings can encourage stakeholders to commit corrupt acts to achieve their goals. 4) Lack of Ethical and Moral Awareness: Lack of instillation of ethical and moral values in the university environment can make individuals vulnerable to corruption. When integrity and honesty are ignored, corrupt practices become more acceptable or normal. 5) Culture of Nepotism and Clientelism: The existence of nepotism and clientelism in decision-making or resource allocation in universities can reinforce patterns of corruption. Placing individuals based on personal or political connections rather than meritocracy can erode fairness and fuel corruption. 6) Economic and Financial Crisis: Economic or financial crises can create additional pressure on educational institutions to find additional sources of revenue or reduce expenditure, which can lead to corrupt practices. 7) Lack of Strict Penalties and Law Enforcement: The lack of strict penalties for perpetrators of corruption and weak law enforcement can create the impression that corrupt acts can be carried out without significant risk. 8) Lack of Anti-Corruption Education: Lack of education and awareness about the dangers of corruption among stakeholders in universities can worsen the problem, as they may not be aware of the negative impacts of corrupt acts.

In addition, weak monitoring systems, low levels of transparency in government, low individual integrity, low levels of employee welfare, and weak enforcement of applicable laws. Cultural factors, social norms permissive of corrupt behaviour, and uneven economic factors also play an essential role in strengthening corrupt practices. This highlights the importance of institutional reform, increased transparency, and community empowerment in monitoring government performance as a preventive measure to reduce corruption rates.¹⁴.

Furthermore, Tarigan (Hisny Fajrussalam, et al. 2023) ¹⁵ The factors causing corruption, collusion, and nepotism are:

¹³ Anisa Farras Azmi¹, Agnes Tika², Denaya Syabilla Fitri³, Monika Septiyar. 2024. Dampak Dan Upaya Memberantas Tindak Pidana Korupsi Di Lingkungan Perguruan Tinggi. Aliansi : Jurnal Hukum, Pendidikan dan Sosial Humaniora Volume. 1, No.3 May 2024 e- ISSN: 3031-9706; p- ISSN: 3031-9684, Hal 155-162 DOI: <https://doi.org/10.62383/aliansi.v1i3.184>

¹⁴ Dela Juwita dan Yoserizal dalam penelitiannya tentang faktor penyebab meningkatnya angka korupsi. 2025. https://www.researchgate.net/publication/388807478_Faktor_Penyebab_Meningkatnya_Angka_Korupsi

¹⁵ Hisny Fajrussalam, dkk. 2023. Analisis Hukum Islam terhadap Nepotisme saat Proses Perekrutan Pegawai. Jurnal Pendidikan dan Konseling Volume 5 Nomor 2 Tahun 2023 E-ISSN: 2685-936X dan P-ISSN: 2685-9351 Universitas Pahlawan Tuanku Tambusai.

1. The existence of materialism and understanding instils a way of thinking that views everything with objects or materials. So, everything will be measured by material.
2. Declining morals and ethics, and low morals and ethics of society, will instil a view of life that only prioritises worldliness. If someone takes someone else's rights, they will not feel ashamed because their morals and ethics are no longer there.
3. Greed, the human lust, will never be fulfilled, especially to have an object/money. With this lust, a person's eyes can become blind and cause him to do wrong by taking advantage of the position he already has.

Furthermore, Wibowo (Muhamad Andry Syafaat, 2021)¹⁶ Four factors causing corruption were identified: a) Political factors. Politics is one of the causes of corruption. This can be seen when there is political instability, the political interests of those in power, even when gaining and maintaining power. b) Legal Factors. Legal factors can be seen from two sides, one from the aspect of legislation and weak law enforcement. Poor legal substance, easily found in discriminatory and unfair regulations; unclear formulations (non-lex certa) so that they are open to multiple interpretations; contradictions and overlapping with other regulations (equal and higher). Sanctions that are not equivalent to prohibited acts, so that they are not on target and are considered too light or too heavy; the use of different concepts for the same thing, all of which allow regulation to be incompatible with existing reality, so that it is not functional or productive and experiences resistance. c) Economic Factors. Economic factors are also one of the causes of corruption. This can be explained by an income or salary insufficient for needs. Therefore, strengthening a holistic governance system that includes transparency, accountability, participation, effectiveness, and enforcement of ethical values is a fundamental requirement for realising PTS, which is free from KKN practices. Thus, the legal construction of the role and function of foundations in the context of GUG is not only based on a formal normative framework, but is also realised through the implementation of institutional practices that uphold the principles of integrity, morality, and accountability in all aspects of private higher education management.

Supervision and Control Mechanisms Implemented by the Foundation to Prevent Corruption.

One of the essential objectives of this study is to determine the supervision and control mechanisms implemented by the Sudirman Taman Siswa Bima Foundation to prevent corruption. So to obtain the data, the researcher conducted interviews with the vice chair of academic affairs, campus service coordinator 2, lecturers, and administrative staff using interview guidelines containing supervision structures and policies, procedures and control

¹⁶ Muhamad Andry Syafaat. 2021. Tren perkembangan penelitian kualitatif tentang korupsi di jurnal bidang ekonomi yang terindex di data base sinta (sciences and technology index) pada tahun 2010-2019. Penelitian tesis program pascasarjana
UII Yogyakarta.
<https://dspace.uii.ac.id/bitstream/handle/123456789/45562/tesis%20final.pdf?sequence=1&isAllowed=y>

systems, internal control, reporting and sanctions, prevention and education, and evaluation. From the results of interviews and document analysis, it was found that various efforts were made by the Sudirman Taman Siswa Bima Foundation to implement mechanisms and controls that prevent corruption, including:

- 1) Tightening the selection process for employees and structural officials. The tests start from administrative tests and tracing of applicants' track records, written tests, psychological tests (cognitive, personality, and certain tendencies), interview tests, Quran recitation, and memorisation ability tests. Furthermore, selected employees undergo a series of training and mentoring
2. Strengthening IMTAQ in the campus environment with the aim of: Helping individuals strengthen their spiritual relationship with Allah SWT; Instilling the values of honesty, responsibility, discipline, and integrity through a religious approach; Creating a Religious and Harmonious Work/Learning Environment; Cultivating a culture that supports the values of goodness and mutual respect; Preventing actions that harm oneself or others such as corruption, violence, and violations of norms; Helping individuals always to consider ethical and religious values in every action; With intense spirituality, individuals tend to have a higher work spirit and be more responsible.
- 3) Forming a code of ethics team that aims to Uphold Organizational Norms and Ethics (The code of ethics team is tasked with ensuring that all members comply with the established ethical values and norms); Preventing Ethical Violations (With guidelines and supervision, the team helps prevent actions that conflict with the organization's ethics and morals); Resolving Ethical Violation Cases (This team is the party that follows up on reports or allegations of ethical violations fairly and objectively); Forming a Healthy Organizational Culture (Encouraging the creation of a work environment or activities that are mutually respectful, honest, and professional); Providing Education and Socialization (The team is also usually tasked with providing understanding and training on the code of ethics to members so that they know their rights and obligations); Becoming an Ethical Reference When there is doubt in decision making, the code of ethics team can be a place of consultation to determine the most ethically appropriate choice.
- 4) Adding an Anti-Corruption Education course to the curriculum for each study program.
- 5) Campaigning against corruption in the academic community of STKIP Taman Siswa Bima.
- 6) Giving strict sanctions to perpetrators of corruption in the form of administrative sanctions up to dismissal.
- 7) Having an external audit team ensures the openness and transparency of public information.
- 8) Periodic evaluations related to finances at the beginning, middle, and end of each semester¹⁷.
- 9) Utilising technology to prevent and detect corruption, collusion, and nepotism, in this case, the Sudirman Taman Siswa Bima Foundation, in collaboration with a

¹⁷ Ramadhan Putra Gayo. Efektivitas Pengawasan Administratif dalam Pencegahan Korupsi di Sektor Publik. Indonesia of Journal Business Law. Vol : 3 | Nomor 2 | Juli 2024.

third-party company for student data in the form of Siakad. In addition, by utilising technology, the Foundation can publish various policies and activities to the community so that the public can monitor each policy. 10) Reward employees, lecturers, and officials who perform well. 11) Forming a team of Foundation experts from various educational institutions, whose function is to provide consideration and input on various campus policies (Team of experts from the University of Muhammadiyah Mataram, the University of Mataram, and education practitioners).

Based on the results of in-depth interviews with informants from the foundation environment, structural officials, administrative staff, and lecturers, it was obtained that the foundation has implemented a series of comprehensive policies as a form of prevention mechanism against Corruption, Collusion, and Nepotism (KKN) practices in the implementation of private universities. The policy reflects the institutional commitment to good governance and organisational integrity. The strategic steps include implementing a strict recruitment system for employees and structural officials, including administrative selection, psychological tests, tracking track records, and evaluation of spiritual abilities, such as reading and memorising the Qur'an. This process is continued with training and mentoring for individuals who pass, to ensure their readiness and commitment to moral values and professionalism. Furthermore, the foundation also shows serious attention to strengthening moral and ethical aspects through internalising religious values (IMTAQ), which are structuredly instilled in the academic community. These values function as spiritual guidelines and as a basis for character formation that upholds honesty, responsibility, and integrity in carrying out duties and obligations. As a form of ethical supervision, the foundation has formed a code of ethics team with a preventive and repressive function against potential organisational norms and ethics violations. This team is also tasked with conducting ethical education and consultations and handling cases of violations objectively and fairly.

Furthermore, the integration of anti-corruption education into the curriculum and the implementation of anti-corruption campaigns in the campus environment demonstrate the foundation's commitment to building a clean and integrated academic culture. This is reinforced by the policy of imposing strict sanctions on perpetrators of violations, including administrative sanctions up to dismissal.

Regarding transparency and accountability, the foundation involves an external audit team and implements a periodic evaluation system every semester, especially in finance and resource management. This step creates a continuous internal control mechanism open to public scrutiny. Thus, the entire policy shows that the foundation has built a corruption prevention system that is not only structural and procedural but also rooted in ethical values, religiosity, and organisational culture. The effectiveness of this system is highly dependent on the consistency of implementation, the integrity of the implementers, and the support of all

campus components in realising that private universities are free from corrupt practices. Various mechanisms and controls carried out by the Sudirman Taman Siswa Bima Foundation are in line with the efforts made by the regional leadership of Muhammadiyah Batu City to prevent and eradicate criminal acts of corruption.¹⁸, namely by tracing the track record of prospective public officials. In principle, the purpose of tracing the track record (tracking) is to: a) obtain information about the background of prospective employees and public officials, competence, commitment, leadership, integrity, and independence from various sources. b) Prevent candidates who can weaken the institution they will lead from passing. c) Encourage a transparent and accountable selection process, avoiding transactional processes or candidate deposits.

In addition, there are many activities/programs/actions that can be carried out by the public, especially the Muhammadiyah Regional Leadership of Batu City to suppress criminal acts of corruption in Indonesia and especially in Batu City, including: a) Organizing anti-corruption education programs at every level of education; b) Designing and encouraging the implementation of socialization programs to eradicate criminal acts of corruption; c) Conducting anti-corruption campaigns to the general public; d) Conducting bilateral or multilateral cooperation in eradicating criminal acts of corruption; e) Clean from corrupt practices, never abusing power and position, bribing or accepting bribes; f) Playing an active role, inspiring or influencing the community or their environment in eradicating KKN; g) The role of the community to participate in realizing a clean State Administrator who is free from KKN practices (corruption, collusion, and nepotism), which is carried out by obeying the norms of law, morality, and social life that apply in society. h) Muhammadiyah, as a religious organisation, never stops proclaiming socialisation related to the dangers of corruption to fellow Muhammadiyah cadres because it is natural or very possible for regional heads / public officials to commit corruption, considering their positions are very rational, so that it is very easy to abuse power. h) Corrupt mentality certainly comes from the motivation to rule based on excessive ambition and is indirectly also facilitated by the existing political system, I think it is pretty simple when someone wants to rise to a higher position, the "mafia of office" has provided easy access through corrupt channels that are so open and have become common knowledge for the public, therefore the critical role of the Muhammadiyah Regional Leadership of Batu City in preventing and eradicating criminal acts of corruption is the development of Muhammadiyah cadres.

The policy implemented by the Sudirman Taman Siswa Bima Foundation, which implements

¹⁸ Tinuk Dwi Cahyani, Sholahuddin Al-Fatih. Peran muhammadiyah dalam pencegahan dan pemberantasan tindak pidana korupsi di kota batu. JUSTITIA Jurnal Hukum Fakultas Hukum Universitas Muhammadiyah Surabaya. Volume 4 No 2 Oktober 2020.

anti-corruption education, also aligns with research conducted by Disyahputra.¹⁹ His study shows that anti-corruption education is very effective in preventing criminal acts of corruption because it aims to provide knowledge and understanding of state losses due to corruption. On the other hand, anti-corruption education is also effectively implemented to form the character of morals and ethics of the younger generation in the early prevention of extraordinary crimes, namely corruption. And provide knowledge that corruption is also a customer of Human Rights (HAM).

Legal construction of the role and function of the Foundation in private universities that are free from corruption, collusion, and nepotism based on Good University Governance (GUG)

To build clean, transparent, and accountable governance of private universities, the role and function of the foundation as the organising body have a very strategic position. The foundation not only functions as a legal entity that oversees universities, but also has a moral and legal responsibility to ensure the implementation of higher education free from corruption, collusion, and nepotism (KKN). Strengthening the foundation's role needs to be placed within the framework of Good University Governance (GUG), namely the principles of university governance that emphasise transparency, accountability, participation, effectiveness, efficiency, and law enforcement.

In this context, the legal construction of the role and function of the foundation cannot be separated from the applicable regulations, both within the scope of foundation law as regulated in the Foundation Law and the provisions of higher education legislation. This section will describe the research findings that lead to the legal construction of the role and function of foundations based on empirical practices in the field. These are then analysed within the framework of the theory and principles of Good University Governance.

Based on the interview results, information was obtained that:

A: "What is the organisational structure of the foundation that oversees this university?

B: "The structure and management of the Foundation consist of the Chairperson of the Foundation, the Secretary of the Foundation, the Treasurer, the Supervisor, and the Board of Trustees of the Foundation

Based on the information, it is clear that the Foundation has a complete institutional structure, consisting of the Chairperson, Secretary, Treasurer, Supervisor, and Board of Trustees. This structure shows the separation of functions and responsibilities, which are the basis for applying the principles of transparency and accountability in the management of the

¹⁹ Disyahputra. 2023. Efektifitas Pendidikan Anti Korupsi Dalam Mencegah Tindak Pidana Korupsi. Jurnal Hukum Non Diskriminatif: Vol. 2 No. 1: Juli 2023. <https://garuda.kemdikbud.go.id/documents/detail/3721833>

foundation and university.

A: What are the leading roles and functions of the foundation in managing the university?

B: ...Their roles include coaching, institutional development, and financing. The foundation is also responsible for ensuring the quality of education, producing competent alums, and maintaining the educational institution's reputation.

The foundation plays a role in coaching and developing institutions, as well as financing institutions. This role shows that the foundation not only acts as a formal legal entity but also as a driving force in ensuring the quality of education and the institution's reputation. This is in line with the principle of responsibility in GUG, where the foundation is directly responsible for the sustainability of educational institutions.

A: ... "What is the relationship between the foundation and the university leadership (rectorate)?"

B: "The relationship between the foundation and the university leadership (rectorate) is collaborative and interdependent. As the owner and manager of the private university, the foundation provides financial support, resources, and strategic vision. At the same time, the rectorate is responsible for implementing education, research, and community service.

The relationship between the foundation and the rectorate is described as collaborative and interdependent, where the foundation provides strategic vision and resources. In contrast, the rectorate carries out the functions of the tridharma of higher education. This relationship model illustrates the application of the principles of participatory and fairness, which are essential foundations in GUG.

A: Are there any legal documents that regulate the role and function of the foundation in this university? (such as deed of establishment, Articles of Association/Bylaws, MoU

B: Yayasan SudirmanTaman Siswa Bima has these documents.

The interview results showed that the foundation that oversees private universities has complete legal documents, consisting of a Deed of Establishment, Articles of Association and Bylaws (AD/ART), and a Memorandum of Understanding (MoU) with related parties. The existence of these documents is a legitimate and strategic legal basis for building the legal construction of the role and function of the foundation, as mandated in Law Number 28 of 2004 concerning Foundations. It aligns with the principles of Good University Governance (GUG). These documents not only contain the legality and organisational structure of the foundation, but also regulate the mechanism of institutional relations between the foundation and universities, including in terms of coaching, supervision, funding, and formulation of

strategic policy directions for higher education.

A: How is the performance evaluation process of the foundation in managing universities?

B: The performance evaluation process of the foundation that manages universities involves several stages, starting from setting performance standards, collecting data, compiling evaluation reports and follow-up.

The foundation has an evaluation mechanism for performance carried out periodically, with stages that include determining performance indicators, data collection, analysis, and reporting. This reflects the principles of accountability and transparency, especially in quality management and preventing corruption, collusion, and nepotism.

The foundation acts as a legal entity for the organiser and a driver of governance that is integrated and oriented towards transparency and accountability. The legal basis governing the Foundation includes: Law Number 16 of 2001 concerning Foundations, as amended by Law Number 28 of 2004; Law Number 12 of 2012 concerning Higher Education; Regulation of the Minister of Education and Culture Number 7 of 2020 concerning the Establishment, Amendment, Dissolution of Private Higher Education Institutions; Derivative regulations from the Directorate General of Higher Education which regulate the implementation of higher education by the organising body. Normatively, the foundation functions as a non-profit legal entity that organises higher education on a non-profit and independent basis.

4. Conclusion

Based on the results of the research and discussion, the following conclusions can be drawn:

The results of this study indicate that the practice of Corruption, Collusion, and Nepotism (KKN) in private university foundations is caused by several primary factors such as lack of transparency and accountability, the dominance of certain families or groups, weak supervision, low leadership ethics, inconsistency of regulations with practices, internal political competition, and economic motives. To overcome this, foundations must implement strict supervision and control mechanisms, including open recruitment, establishing internal supervision and external audit units, transparency of financial reports, implementing sound governance principles, and enforcing codes of ethics and whistleblowing systems. In a legal context, the role and function of foundations must be constructed based on the principles of Good University Governance (GUG), which makes foundations not only legal entities that organise education, but also motors of governance that are integrated, transparent, and accountable by applicable laws and regulations.

Supervision and control mechanisms to prevent KKN in foundations are conducted through open recruitment, establishing Internal Supervisory Units (SPI), and periodic external audits.

The Foundation also implements financial transparency, sound governance principles, and active supervision by the Board of Supervisors. In addition, a code of ethics, a whistleblowing system, anti-corruption training, and moral development programs, such as religious activities, are implemented to strengthen the integrity of all elements of the Foundation.

Legal construction of the role and function of the Foundation in private universities that are free from corruption based on Good University Governance (GUG). The Foundation acts as a legal entity for the organiser and a driver of integrity-driven governance, oriented towards transparency and accountability. The legal basis governing the Foundation includes: Law Number 16 of 2001 concerning Foundations, as amended by Law Number 28 of 2004; Law Number 12 of 2012 concerning Higher Education; Regulation of the Minister of Education and Culture Number 7 of 2020 concerning the Establishment, Amendment, and Dissolution of Private Universities; Derivative regulations from the Directorate General of Higher Education which regulate the implementation of higher education by the organising body. Normatively, the Foundation functions as a non-profit legal entity that organises higher education on a non-profit and independent basis.

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