The Effectiveness Of Implementation Of Government Regulation Number 41 The Year 2011 On The Development Of Youth Entrepreneurship And Pioneering And The Provision Of Youth Facilities And Infrastructures In Kolaka

Syamsul Rijal, Yeni Haerani, Riezka Eka Mayasari, Yusriadi Yusriadi

Abstract: Researchers aimed to convey the effectiveness of the implementation of Government Regulation Number 41 the Year 2011 on Development of Youth Entrepreneurship and Pioneering and the Provision of Youth Facilities and Infrastructures in Kolaka Southeast Celebes. The reason behind this research was that the researchers wanted to investigate the regulation and perhaps other related regulations to discover to what extent the available rules had been adequate. Current data show that in 2012, out of 153,577 people of working age, there were 144,499 people with jobs and 9,078 people without jobs. By observing the data, it can conclude that there were still many people of productive working age that lived without any situation. Hence, there was no dark indication of their creativities and innovations, whether or not they still existed. The implementation of Government Regulation Number 41 the Year 2011 on Development of Youth Entrepreneurship and Pioneering and the Provision of Youth Facilities and Infrastructures in Kolaka had not been effective enough. The assumption built on facts that: (a) the development of entrepreneurship, especially for procedures taken by the government of Kolaka in developing entrepreneurship was not by the Government Regulation. In arranging strategic plans for the event, the government of Kolaka had never conducted either any inventory or identification of the youth interests, competencies, and potencies. (b) The development of youth pioneering should have realized by arranging schedules on training, assisting, and making any leadership forum. Plans that had stipulated in the Strategic Plans should have executed as well. Unfortunately, the same as the development of entrepreneurship, this development was not following the Government Regulation too. (c) The government of Kolaka had not provided facilities and infrastructures as being regulated by the central government.

Index Terms: Effectiveness, Development, Youth Entrepreneurship

1. INTRODUCTION

The paragraph four of the preamble of the Constitution of the Republic of Indonesia Year 1945 commands us to protect all Indonesian people and their generations from advancing public welfares, brighten their lives, and participate in realizing the world order, all based on eternal peace and social justice. Productive human resources, especially the youth, are required to achieve such national objectives. The child is the generation whose roles are essential as one of the determiners to accomplish the goals. The history of Indonesia has written the crucial youth roles countless events as the Budi Utomo movement in 1908; the Youth Pledge in 1928; the Proclamation of Indonesian Independence in 1945; the actions of youth, students, and university students in 1966, the movement of university students in 1998 that had brought Indonesia into the reformation era, etc. The events prove that the youth was capable of actively participating as the frontliners in processes of struggle, reformation, and development of Indonesia.

- Syamsul Rijal, Universitas Sembilanbelas November, Kolaka, Indonesia
- Yeni Haerani, Universitas Sembilanbelas November, Kolaka, Indonesia
- Riezka Eka Mayasari, Universitas Sembilanbelas November, Kolaka, Indonesia
- Yusriadi Yusriadi, Sekolah Tinggi Ilmu Hukum Pengayoman, Makassar, Indonesia

To fulfill the expectation for today's generation, specific regulations oriented in youth services to form pious, moral, healthy, smart, creative, innovative, independent, democratic, responsible, and competent young people should make or applied. Atmosudirjo (2000) argued that one matter that had to fulfill in holding a government is legality. The argument leads to the principle that action or decision taken by a state must base on the law. The youth service facilities have purposes on realizing, empowering, and developing the youth in their leadership, entrepreneurship, and pioneering. The youth services were developed based on the youth characteristics, such as highly spirited, critical, idealistic, innovative, progressive, dynamic, reformist, and futurist without leaving out the cultures of Indonesia reflected on its slogan, Bhineka Tunggal Ika. Being aware of the youth crucial roles and their competences in developing Indonesia, the government has legalized the Law Number 40 the Year 2009 on youth. The law provides protection guarantees and legal certainties for the youth existences in strengthening their position and provides opportunities to develop their potencies, capacity, self-actualization, and goals. To optimize the regulations, the central government set the Government Regulation Number 41 the Year 2011 on Development of Youth Entrepreneurship and Pioneering and the Provision of Youth Facilities and Infrastructures. By the regulation, the central government has formulated rules based on rules set by the law. Normatively, the regulation stating that every action taken by the government must
base on the legislation or authorities must by every constitutional state. Since the central government has made regulation on the development of youth entrepreneurship and pioneering as well as the provision of youth facilities and infrastructures, the government can support the development of youth pioneering. The actions are expected to encourage the youth to be more creative, innovative, brave in making breakthroughs, and quick in taking decisions. Hence, the central government has arranged a set of strategies that are:

1. Performed based on the youth interests, abilities, and potencies and the region potencies;
2. Facilitated by the government, regional government, local people, or youth organization;
3. Performed through training, apprenticeship, guidance, assistance for promotion partnership, and aids for capital access.

The problem then occurred. Although both the central and regional governments had been provided legal authorities as to the legal certainty and legal principle in regulating proper strategies for the development of youth entrepreneurship, that was by the Government Regulation Number 41 the Year 2011 on Development of Youth Entrepreneurship and Pioneering and the Provision of Youth Facilities and Infrastructures; the realization had not fulfilled the expectation yet. For example, job fields for the youth, especially those who wanted to be an entrepreneur, had not been adequate. It usually happened that although with high formal education, a specific young person could not own a job due to limited job fields, according to Central Agency on Statistics of Kolaka (2013). The number of job seekers and job vacancies was an imbalance, and the incompatibility created by the expertise mastered and skills needed in fields worsened the issue. In 2012, out of 153,577 people in working age, there were 144,499 people with jobs; while the rest (9,078 people) was jobless. People with a productive working period without jobs, creativity, and innovation came in a high number in Kolaka. As stated above, the purposes of the legislation formulation that had not fulfilled yet were entertaining to analyze. The research problem had formulated as follows: what the effectiveness of government Regulation Number 41 the Year 2011 on Development of Youth Entrepreneurship and Pioneering and the Provision of Youth Facilities and Infrastructures in Kolaka is?

**Literature Review**

**Effectiveness Theory**

Reviews on the available literatures about the effectiveness theory show diverse indicators to examine the level of effectiveness of a certain matter. This usually leads to difficulties in studies involving the effectiveness theory. Nevertheless, effectiveness can be generally defined as a success in achieving the determined target or aim. Effectiveness comes in various types, one of which is the organization effectiveness. In defining this type of effectiveness, experts also produce various thoughts. The Encyclopedia of Administration describes effectiveness as effectiveness is a state where an effect or consequence expected by someone that performs the act causing it occurs. Therefore, a person can be regarded as effective if s/he succeeds in realizing his/her expectation. (Gie, 1977).

**Definition of Pioneering**

Pioneering is the accumulation of spirit, attitudes, and volunteerism that is based on self-awareness and social responsibility to create something and/or to execute an idea in a consistent and determined way admitted by the people for being able to sustain their life. Empowerment for the Youth EntrepreneurshipEmpowerment is actually targeted for the powerless state owned by powerless, unlucky, marginalized social group only. Rukmianto conveyed empowerment as a program, if observed from its activity stages to achieve desired objectives. Empowerment will encourage people to solve their problems and gain a full awareness and authorities in achieving their desires. Regulations for the Empowerment for the Youth EntrepreneurshipAlthough the government had stipulated the Law of the Republic of Indonesia Number 40 Year 2009 on Youth with purposes to give protection guarantees and legal certainties for the youth, strengthen their positions, and provide them opportunities to develop their potencies, capacity, self-actualization, and goals; more specific regulations related to the development of youth entrepreneurship had to be formulated. The formulation was also a further action to respond Article 27 Paragraph (4), Article 29 Paragraph (5), and Article 34 Paragraph (4) the Law of the Republic of Indonesia Number 40 Year 2009 on the Youth. On September 9th, 2011, the Government Regulation Number 41 Year 2011 on Development of Youth Entrepreneurship and Pioneering and the Provision of Youth Facilities and Infrastructures was legalized.

**Research Method**

According to Ashshofa (1996). The research method applied in this research was the juridical, empirical/sociological approach method. The researchers employed the method since the issue being discussed strongly correlated to both sociological and juridical factors. The researchers defined and investigated the effectiveness of the Government Regulation Number 41 Year 2011 on Development of Youth Entrepreneurship and Pioneering and the Provision of Youth Facilities and Infrastructures. The type of this research was descriptive-analytical which obliged the researchers to make a systematic, factual, and accurate description of population facts and characters of a certain region.

**Result and Discussion**

Effectiveness of Implementation of Government Regulation Number 41 Year 2011 on Development of Youth Entrepreneurship and Pioneering and the Provision of Youth Facilities and Infrastructures in Kolaka The government should have observed the youth characteristics such as highly spirited, critical, idealistic, innovative, progressive, dynamic, reformist, and futuristic without leaving out the cultures of Indonesia reflected on its slogan, Bhineka Tunggal Ika before arranging any youth services. Giving responses on the issue, the government had formulated a regulation as the principle for arranging youth services by the Law Number 40 Year 2009 on Youth.
The regulation was expected to facilitate the youth to execute their ideas. Furthermore, the government also stipulated the Government Regulation Number 41 Year 2011 on Development of Youth Entrepreneurship and Pioneering and the Provision of Youth Facilities and Infrastructures. The regulation for youth services had been set in accordance with the aims of making it. There were special subjects contained by the Government Regulation to perform the laws. The Government Regulation Number 41 Year 2011 on Development of Youth Entrepreneurship and Pioneering and the Provision of Youth Facilities and Infrastructures as in Article 2 Paragraph (2) mentions that duties of the central, provincial, and regional governments of a regency/city as mentioned by Paragraph (1) are performed to facilitate the development of youth entrepreneurship and pioneering written on the regional government's strategic plans.

**Development of the Youth Entrepreneurship**

Developments of the youth entrepreneurship in Kolaka were still insignificant. The fact could be seen in the regional governments' strategic plans of Kolaka as in the Regional Long Term Development Plans, Regional Medium Term Development Plans, and Regional Annual Development Plans responded further by the Strategic Plans of Board of Education, Youth, and Sports Year 2014-2019 in which at that time, the organ of Regional Government Agency of Board of Youth and Sports were still one organ. The researchers' analysis indicated that the government had not planned any development of entrepreneurship and youth services yet although there were many weakness factors as: (Strategic Plans by Board of Education, Youth, and Sports of).

1. Lack of counseling for the youth/youth organization
2. Lack of self-development facilities and media for the youth to be more creative and innovative
3. Overlapping counseling for the youth organizations
4. No youth organization with clear future orientations
5. Limited managerial ability in holding the youth organization in Kolaka
6. Solutions performed by the regional government to overcome the youth conditions were:
   7. Development for the youth organization
   8. Development the youth pioneering, especially in environmental security
   9. Community of young entrepreneurs
   10. Partnership (plans on partnership actions)
   11. Exhibitions for the youth works
   12. Counseling about juvenile delinquency/drugs/HIV-AIDS
   13. Monitoring and evaluation on the arrangement of the youth development

Procedures taken by the government of Kolaka in developing the youth entrepreneurship were not in accordance with the Government Regulation. This was the consequence of the fact that the government of Kolaka did not conduct any inventory and identification of the youth interest, abilities, and potencies while formulating its Strategic Plans. The attitude impacted on the fact that the entrepreneurship development was incompatible with the Government Regulation as in Article 15 that mentioned in supporting the planning suggested by Article 13 and Article 14, the regional government should have conducted:

1. Inventory and identification of the youth interests, abilities, and potencies;
2. Proportional inventory and identification of the youth necessities of facilities and infrastructures;
3. Analysis; and
4. Gradual stipulation of technical standards, guidance, and counseling.

If the regional government of Kolaka obeyed the Government Regulation, the development of youth entrepreneurship would be able to be held in accordance with the youth interests, abilities, and potencies as well as the region potencies. Besides, the direction of national development and facilities of entrepreneurship development would be in line with Article 5 the Regulation of Minister of Youth and Sport Affairs Number 0944 on Procedures to Provide Facilities for Development of Youth Entrepreneurship such as:

1. Trainings;
2. Apprenticeship;
3. Guidance;
4. Assistance;
5. Partnership;
6. Promotion, and/or
7. Aids for capital access.

According to Ashadi Jaya (Deputy Chairman of the Economy, Investment, and Trade of Regional Representative Board of Indonesian National Youth Committee of Kolaka), the trainings were divided into three: the basic training, training for business strengthening, and training for business development. The Indonesian National Youth Committee as the head of youth organization in Kolaka had arranged an entrepreneurship training, focusing on the coconut function, from its root until its fruit in 2015. Besides, the Indonesian National Youth Committee of Kolaka also held training for business strengthening whose aims were on training and providing the young entrepreneurs with business knowledge and management. According to Rukimianto (2002), the development of youth entrepreneurship had to be gradually performed. Yet, in Kolaka, the performance was not in accordance with the Regulation of Minister of Youth and Sport Affairs Number 0944 on Procedures to Provide Facilities for Development of Youth Entrepreneurship although Article 6 Paragraphs (3) stated, “Types of training as mentioned by Paragraph (2) are performed based on the participants' requirements.” It was caused by the fact that the participants given the trainings generally had never got any basic training. Rukimianto supported the act of giving gradual trainings by arguing that empowerment was a program if observed from its activity stages to achieve desired objectives. Empowerment would encourage people to solve their problems and gained a full awareness and authorities in achieving their desires. According to Ashadi Jaya (Deputy Chairman of the Economy, Investment, and Trade of Regional Representative Board of Indonesian National Youth Committee of Kolaka, interviewed on May 29th, 2017), moreover, the government had not given facilities of apprenticeship, guidance, assistance, and partnership yet.
The issue had been well regulated by the Government Regulation or the Regulation of Minister of Youth and Sport Affairs. The apprenticeship facility had objectives on giving introduction and understanding on business by observing, doing, and experiencing the business management process and/or production process of a certain business. The guidance facility set purposes on helping the youth optimize their potencies by exploring their necessities, increasing their motivations and spirit, and change their old perspectives and attitudes. The assistance facility aimed on enhancing their skills and broadens their business management experiences to develop their business. The partnership facility’s goals were to broaden their business networks with the business world, educational institutions, and professional business community. The promotion facility set objectives on introducing business of products by young entrepreneurs of Kolaka through the Board of Education, Youth, and Sports (altered into the Board of Youth and Sports). During this time, the Board had never promoted any single business or products. The government regulated its authorities in promoting, such as:
1. Arranging exhibitions for young entrepreneurs either locally, nationally, or internationally;
2. Introducing and promoting products and services;
3. Socializing ideas or innovations and easiness in managing intellectual property rights;
4. Developing promotion and marketing networks through printed, electronic, and outdoor media; and/or
5. Exhibiting or demonstrating products.

According to Suyanti Suaib PT. ANTAM, Tbk. also provided capitals in a form of loan with the interest of 0.6% but then changed it into 0.3 percent. As conveyed by Suyanti Suaib, “In empowering entrepreneurship in Kolaka, we do not take insight on the entrepreneurs’ age (all ages)”, the government of Kolaka always introduced products or promoted utilization of products and services in every exhibition, either in the regional or national level. However, the government of Kolaka had not prepared the capital facility. Fortunately, the young entrepreneurs were given grants by the State Budget with the condition of having had similar certified trainings.

The Youth Pioneering
According to (The Government Regulation Number 41 Year 2011 on Development of the Youth’s Entrepreneurship and Pioneering and the Provision of Facilities and Infrastructures), the development of youth pioneering is arranged to encourage their creativity, innovation, bravery in making any breakthrough, and quickness in taking decision as suggested by the direction of national development. The development should involve various aspects such as ideology, politic, law, economy, society, culture, defense, safety, science, and technology in understanding and responding the strategic, environmental changes, either domestically or globally and preventing as well as overcoming any possible risks. The development can be realized by:
1. Trainings;
2. Assistance; and/or
3. The youth leadership forums.

The development of youth pioneering must be held in accordance with the Strategic Plans. One of actions that had been taken by the regional government was performed by the Indonesian National Youth Committee of Kolaka in 2015 by arranging national defense training at Military District Commander and Company 725. Nevertheless, the training was not planned in systematized procedures as suggested by the Government Regulation Number 41 Year 2011 stating that every management conducted by the Indonesian National Youth Committee had to make a main and basic working program that was the entrepreneurship and pioneering programs. The researcher then concluded that the actions were not in accordance with the Government Regulation Number 41 Year 2011 on Development of Youth Entrepreneurship and Pioneering and the Provision of Youth Facilities and Infrastructures. Besides, the government also had responsibilities in planning the youth services by performing assistance of arranging the youth forums. Unfortunately, either the regional government or youth organization never planned such activities. Provision of Facilities and Infrastructures for the Youth should be taken by both the government and regional government, the youth organizations and/or people could provide the facilities and infrastructures. Since it was the responsibility of the regional government, then the government had to prepare the facilities and infrastructures as suggested by Article 37 of the Government Regulation Number 41 Year 2011 that were:
1. The youth empowerment center;
2. The youth cooperation;
3. The youth hut;
4. The youth, teenage, or university student courts;
5. The youth education and training center; or
6. Other facilities required.

According to Andi Adha Arsad conveyed that the government had not provided the facilities and infrastructures: “The government should have prepared the facilities. There is only one facility in Kolaka that is the secretariat of Regional Representative Board of Indonesian National Youth Committee as the Head of Youth Organization but the status is only a leasing property.” The researchers then assumed that the regional government had not optimized the services as suggested by Article 37 yet. The government had not effectively provide the youth services, either in its entrepreneurship development, youth pioneering, and provision of both facilities and infrastructures for the youth in Kolaka. Held an opinion that if somebody had desires to investigate the effectiveness of a certain regulation, then s/he had to investigate to what extent the regulation was obeyed. Barriers in implementing the Government Regulation Number 41 Year 2011 on Development of Youth Entrepreneurship and Pioneering and the Provision of Youth Facilities and Infrastructures in Kolaka Generally, the effectiveness of a constitution is affected by professionalism and optimization in performing a certain role, authority, and function by the law enforcers by either performing their duties or enforcing the constitution. According to Soekanto, (2008) stated that whether or not a constitution can be regarded as effective was determined by five factors that were:
1. The factor of law (the constitution)
2. The factor of law enforcers, parties that formulated or applied the law
3. The factor of facilities supporting the law enforcement
4. The factor of society, the environment where the law was applied
5. The factor of culture, a constitution as a product of creativity and feeling based on human intention in society.

Those five factors are closely related to each other. They are the essences of law enforcement and the measurement for the effectiveness of law enforcement. The first factor suggests that in determining the effectiveness of a certain constitution, the thing that should be firstly noticed is the constitution itself. Data taken or interviews conducted show that the development of youth entrepreneurship and pioneering and the provision of youth facilities and infrastructures in Kolaka had not been effectively conducted. The development was not substantially referred to the related legislation. Furthermore, Soekanto, argued that problems influencing the effectiveness of written law investigated from the apparatus aspect depended on:

1. To what extent the apparatuses were bound by the applicable laws
2. To what extent the apparatuses were permitted to give their wisdoms
3. What kind of good model that should have been given by the apparatuses to the people was
4. To what extent the synchronization degree of duties were given to the apparatuses in order to give strong limitation to their authorities.

The third factor concerns on the availability of facilities and infrastructures. Soekanto, argued that to predict the effectiveness of facilities, the facilities had to give contribution for the apparatuses to perform their duties. According to Atmasasmita, (2001) supports Soekanto’s opinion by stating that effectiveness of law enforcement is not only impeded by the attitudes and mental of the law enforces but also the legal socialization factor that is frequently abandoned. In line with the arguments of Achmad Ali, Soerjono Soekanto, and Romli Atmasasmita, the researchers formulated the obstacles of development of youth entrepreneurship and pioneering and the provision of youth facilities and infrastructures in Kolaka Southeast Celebes. The government had legalized the Law Number 40 Year 2009 on Youth to provide protection guarantees and legal certainties for the youth existences to strengthen their position and provide opportunities to develop their potencies, capacities, self-actualization, and goals. To optimize the regulation, the government stipulated the Government Regulation Number 41 Year 2011 on Development of Youth Entrepreneurship and Pioneering as well as the Provision of Youth Facilities and Infrastructures. The parties responsible to implement the regulation were the Ministry of Youth and Sport Affairs and any other institutional ministries related, Regional Government Agency of related regency, city, and province, youth organizations, society, universities, and business world. In Kolaka, the responsibilities were taken by the Regional Government Agency, youth organizations, society, universities, and business world. However, from the analysis results, those four institutions did not synergize to each other and impeded the effectiveness of implementation of the Government Regulation Number 41 Year 2011 on Development of Youth Entrepreneurship and Pioneering and the Provision of Youth Facilities and Infrastructures in Kolaka. The issue can be clearly observed by:

1. Unfamiliarity of people or related parties on the regulations of the development of youth entrepreneurship (lack of socialization). Arsyad responded when interviewed on this issue, "The regulation about the youth services had never been implemented and there was also no socialization of new officials."

2. The young entrepreneur data by the Regional Government Agency related to the entrepreneurship development in Kolaka that were not synchronized. According to Andi Adha Arsyad (Head of Services for the Youth of Board of Youth and Sports), Arsyad Andi Adha Arsyad (Head of Services for the Youth of Board of Youth and Sports), argued, "The regulation of these youth services has not been completely implemented as the purpose of the regulation formulation." The factors were as follows:

   a. There had been no statistics related to the number of young people in Kolaka. This caused the inventory and identification of the youth interest, skills, and potencies had not been acknowledged yet and thus unable to be included in the strategic plans. And
   b. The synchronization between instances had not been well built. The diaspora as a link sector had never been established when the program was arranged by other Regional Government Agencies.

Furthermore, the regional government of Kolaka had not provided facilities for the youth services. The only facility existing was the secretariat of Indonesian National Youth Committee of Kolaka as the Head of Youth Organization but the status was only as a leasing property.

CONCLUSION

1. The implementation of the Government Regulation Number 41 Year 2011 on Development of the Youth Entrepreneurship and Pioneering as well as the Provision of Youth Facilities and Infrastructures in Kolaka had not been adequately effective, observed from the service perspectives:
   a. The procedures in developing entrepreneurship by the government of Kolaka were not in accordance with the Government Regulation due to the fact that the government had never conducted any inventory or identification of youth interest, skills, and potencies in formulating the strategic plans.
   b. The development of youth pioneering by trainings, assistance, and/or leadership forums had to obey the Strategic Plans. However, in realization, there was no obedience to the Government Regulation in the Strategic Plans of Board of Education, Youth, and Sports; and
   c. The government of Kolaka had not provided any facilities and infrastructures as suggested by the
Government Regulation. There was indeed the secretariat of Indonesian National Youth Committee of Kolaka as the Head of Youth Organization but the status was only a leasing property.

2. The obstacles in implementing the Government Regulation Number 41 Year 2011 on Development of Youth Entrepreneurship and Pioneering as well as the Provision of Youth Facilities and Infrastructures in Kolaka were:
   a. The factor of law (the constitution),
   b. The factor of law enforcers, parties that formulate or apply the law,
   c. The factor of facilities supporting the law enforcement

REFERENCES