



The Needs For Public Services Relating To The Legalization of Public Documents In Education

Winsherly Tan

Faculty of Law Internasional Batam University, Batam, Indonesia.

@ : winsherly@uib.ac.id

Corresponding Author*

Submitted: 2022-10-03

Revised: 2022-12-23

Published: 2022-12-30



Article Info	Abstract	
<p>Keywords: Public Documents; Apostille; Education; Indonesia.</p>	<p>Introduction: Legalization is legalizing a signature as proof that the document made by the parties was indeed signed by the parties.</p> <p>Purposes of the Research: Indonesia already has regulations in providing good public services, namely Law No. 25 of 2009 concerning Public Services. Indonesia has ratified the Apostille Convention. The aim of this study are to analyze public services in terms of legalizing public documents in Indonesia through Apostille and to analyze the need for legalization of public documents in education through Apostille.</p> <p>Methods of the Research: The research method used is the normative juridical. This study also uses a juridical basis and a theoretical basis. The juridical basis used is Law No. 25 of 2009, Presidential Regulation No. 2 of 2021, Government Regulation of the Republic of Indonesia No. 96 of 2012 and the theoretical basis used is the Legal Benefit Theory by Jeremy Bentham.</p> <p>Results of the Research: The implementation of public services for the legalization of public documents through Apostille has met excellent service standards. The need for public document services in the field of education is also very much needed, especially with the implementation of the Merdeka Belajar Kampus Merdeka (MBKM) program. This shows the increasing need for public document legalization services in the education sector.</p>	

1. INTRODUCTION

Public service is a process of assisting others by implementing certain ways that require sensitivity and interpersonal connection to create satisfaction and success. Every service generates products, both in the form of goods and services.¹ In this regard, The government has an important role to provide prime public services for all citizens as they are mandated by the legislation.

Public services in principle involve a very broad aspect of life. The implementation of public services is an effort of the state to fulfill the basic needs and civil rights of every citizen for goods, services, and administrative services provided by public service providers. The 1945 Constitution mandates the state to fulfill the basic needs of every citizen for their welfare, accordingly the effectiveness of a government system is very much determined by

¹ Jamil Bazarah, Ahmad Jubaidi, and Futum Hubaib, "Konsep Pelayanan Publik Di Indonesia (Analisis Literasi Penyelenggara Pelayanan Publik Di Indonesia)," *Jurnal Dedikasi*, no. 2 (December 2021): 107.

Winsherly Tan, "The Needs For Public Services Relating To The Legalization of Public Documents In Education"

the good or bad implementation of public services.² In Article 1 of Law No. 25 of 2009 concerning Public Services, the definition of public services is stated as follows: ³ "Public service is an activity or series of activities in the context of the fulfillment of service needs in accordance with statutory regulations for every citizen and resident for goods, services and/or services administrative services provided by public service providers".

Public service is still a problem in the bureaucracy in Indonesia, there are many factors and variations as its causes, and they become inherent issues in the public views. The needs of society in the current millennium era tend to be large with the desire to obtain fast and accurate service. The speed and accuracy are also needed in the process of interaction between the government and citizens, but unfortunately the high mobility of citizens is not matched by the accuracy and speed of the government's services, especially its services to the public.⁴

Citizens have the right to get quality public services from the state (bureaucracy). Citizens also have their rights to be protected, their voices heard, and their values and preferences respected. Thus, citizens have the right to judge, reject and sue anyone who is politically responsible for providing public services. This concept is referred to as The New Public Service (NPS) which was developed by Janet V. Denhardt and Robert B. Denhardt in 2003.⁵

Along with the development of relations between subjects of law across their national borders, including civil law relations based on the need for legalizing documents of a public nature, the legalization of public documents become important. In practice, if these public documents are issued abroad, they must be legalized in advanced so that they can be used in the jurisdictions of the countries in which they will be utilized."⁶

Legalization has been known since 1909. Previously the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia No. 19 of 2020 concerning Legalization Services for Official Signatures on Documents has been adopted by the Ministry of Law and Human Rights. Documents to be used both domestically and abroad required a legalization with authentication by 5 (five) agencies, namely the Issuing Agency for the document which consisting the Indonesian Ministry of Law and Human Rights, the Ministry of Foreign Affairs, the Consulate, and the Ministry of Foreign Affairs of the destination country.

Public documents in the field of education are also very much needed, for example for students who have studied abroad. When they return to Indonesia to continue their education or for other purposes, they need to legalize their diplomas and transcripts obtained from abroad. Similarly, foreign nationals who wish to study in Indonesia are also required to legalize their diplomas and transcripts. When the previous procedures are to be

² Selvi Rianti, Zaili Rusli, and Febri Yuliani, "Kualitas Pelayanan Publik," *Jurnal Ilmu Administrasi Negara* 15, no. 3 (December 2019): 412.

³ Yayat Rukayat, "Kualitas Pelayanan Publik Bidang Administrasi Kependudukan Di Kecamatan Pasirjambu," *Jurnal Ilmiah Magister Ilmu Administrasi* 2, no. 2 (December 2017): 56.

⁴ Robi Cahyadi Kurniawan, "Tantangan Kualitas Pelayanan Publik Pada Pemerintah Daerah," *Jurnal Ilmu Pemerintahan Universitas Lampung* 7, no. 1 (2016).

⁵ Janet V Denhardt and Robert B Denhardt, "The New Public Service: Serving, Not Steering," *M.E. Sharpe, Inc*, 2003.

⁶ Kementrian Hukum dan Hak Asasi Manusia Republik Indonesia, "Naskah Urgensi Pengesahan Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents (Konvensi 5 Oktober 1961 Tentang Penghapusan Persyaratan Legaliasi Terhadap Dokumen Publik Asing)," 1961.

applied, then they must go through 5 (five) agencies to legalize their diplomas and transcripts.

Based on such procedures, public services pertaining to the legalization of public documents in the field of education become urgent since the involvement of the said 5 (five) agencies to carry out legalization would be lengthy while the said legalization of documents would be often needed quickly. The Ministry of Law and Human Rights (*Kemenkumham*) through the Directorate General of General Legal Administration (*Ditjen AHU*) strives to improve the quality of public services by initiating the simplification of the legalization process for public documents through the Apostille service. Therefore, the purpose of this study is first, to analyze public services related to the legalization of public documents through the Apostille Convention. Second, analyze the need for legalization of public documents through Apostille in the field of education. The novelty in this research is that there has been no previous research discussing the need for apostille in the world of education. Previous research only discussed the application of the apostille convention.

2. METHOD

This study adopts normative legal research. It is a process of finding law by examining legal sources, rules or principles and regulations to resolve concrete legal problems.⁷ The data used is secondary data, namely the data obtained indirectly from the source or object of research in the form of primary, secondary and tertiary legal materials. Data collection in resolving the research questions is carried out by means of a documentary study or library research, which is then analysed qualitatively.⁸

3. RESULTS AND DISCUSSION

3.1 Public Services pertaining to Legalization of Public Documents through Apostille

Nowadays, the relationship between one country and another has been growing. This also affects the development of relations between citizens. When citizens from one country interact with citizens from other countries, civil legal relationships will arise. These legal relationships frequently require or are based on the existence of documents of a public nature. However, public documents originating from abroad must be legalized in advance so that they can be used in the jurisdiction of a country. This provision also applies to public documents related to investment activities.⁹

According to Professor Peter Zablud, a document is declared to be trustworthy if it meets two qualities, namely reliability and authenticity. A public document can be declared to have met the reliability requirements if the information in it is accurate information according to its actual circumstances. Meanwhile, the document is declared to have met the authenticity requirements if the contents of the document are in accordance with what is meant by its producer, and it is not in a damaged condition. To fulfill the authenticity and reliability requirements, a document must go through a process known as document

⁷ Junaidy Maramis and Juneidi Coloay, "Implikasi Hukum Bagi Masyarakat Penolak Vaksinasi COVID-19 Sebagai Hak Pelayanan Kesehatan," *Journal of Judicial Review* 24, no. 1 (December 2022): 3.

⁸ Hari Sutra Disemadi and Kholis Roisah, "Kebijakan Model Bisnis BANK Wakaf Mikro Sebagai Solusi Pemberdayaan Ekonomi Masyarakat," *Jurnal Law Reform* 15, no. 2 (2019): 182.

⁹ Priskila Pratita Penasthika, "Urgensi Akses Terhadap Apostille Convention Bagi Negara-Negara Anggota ASEAN Dalam Menyongsong Masyarakat Ekonomi ASEAN 2015, Perspektif Hukum Perdata Internasional Indonesia," *Jurnal Penelitian Hukum Supremasi Hukum* 24, no. 2 (December 2015): 155.

legalization. Document legalization is basically the process of identifying a document to determine that it is legally valid, issued and signed by an authorized party.¹⁰

In the history of the Republic of Indonesia, the legalization of official signatures has existed since the Dutch colonial era. This can be seen from the legal instrument that regulates the granting of legalization, namely the Decree of the Governor General of the Dutch East Indies dated May 25, 1909 No. 32 (State Gazette of the Netherlands Indies 09-291), which is still valid and has not been revoked until now. In the Decree, the Ministry of Law and Human Rights is given the authority to legalize the signatures of public officials and government officials.¹¹

Legalization of official signatures is a form of legal service and part of the duties and functions of the Ministry of Law and Human Rights of the Republic of Indonesia, i.e. Directorate General of General Legal Administration, as regulated in Article 293 jo. 294 jo. 299 Paragraph (2) of the Regulation of the Minister of Law and Human Rights No. 29 of 2015, dated September 29, 2015 concerning the Organization and Working Procedure of the Ministry of Law and Human Rights of the Republic of Indonesia.

The Apostille Convention is a treaty in order to simplify the administrative process by acceding to the Convention on Abolishing the Requirement of Legalization for Foreign Public Documents ("Apostille Convention"). The purpose of this Convention is to abolish diplomatic or consular legalization requirements derived from documents abroad which is a public document. The background to the establishment of the Convention, among other things, is due to the development of the relationship between subjects across national borders, including civil law relationships that are based on the need for legalization of public documents. In practice, if these public documents come from abroad, they must be legalized first so that it can be used in the jurisdiction of countries concerned.^{12,13}

This condition is different from developments in the international world. Since 1965, international community that are members of the Hague Conference on Private International Law (HCPIIL) have imposed abolishing the requirements for legalizing foreign public documents. This was based on the Convention on Abolishing the Requirement of legalization for foreign Public Documents or often called the Apostille Convention which was signed in 1961. The Apostille Convention was adopted and ratified by 115 countries in the world.¹⁴

On January 5, 2021, the Government of Indonesia issued Presidential Regulation No. 2 of 2021 concerning Ratification of the Convention Abolishing the Requirement of Legalization for Foreign Public Document (the Apostille Convention). According to Mochtar Kusumaatmadja, an international agreement is an agreement entered into by members of the community of nations with the aim of causing certain legal consequences. In Indonesia, international agreements are regulated in Law Number 24 of 2000 concerning International Agreements. The Indonesian government can bind itself to an international agreement in various ways, one of which is accession. The objective of the Indonesian

¹⁰ Ibid, Penasthika.

¹² Edward James Sinaga, "Layanan Hukum Legalisasi Dalam Upaya Memberikan Kepastian Hukum," *Jurnal De Jure* 19, no. 1 (December 2019): 85.

¹³ Reza Ria Nanda and Rouli Anita Velentina, "Tanggung Jawab Notaris Dalam Legalisasi Dokumen Warga Negara Asing Menurut Konvensi Apostille," *Jurnal USM Law Review* 5, no. 1 (2022): 270.

¹⁴ "Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents," 13 Juli 2018.

Government to bind itself to an international agreement is to conduct international relations and cooperation, so as to provide benefits to the Indonesian people by acceding to the Apostille Convention. Accordingly, since Indonesia has become a party to the Convention, and it must make changes to the legalization process based on the Apostille Convention.¹⁵

Indonesia has ratified the Convention through the Presidential Regulation No. 2 of 2021. This is considered as a slow step since the Apostille convention has existed since 1961. Indonesia as a country has a primary responsibility in providing good and excellent public services as it is mandated in Law Number 25 of 2009 concerning Public Services, yet the ratification of the Convention was just conducted in 2021.

Good public service is the dream of every citizen. For this reason, the government should provide guidelines for the realization of good public services. Establishing a good public service system is a means to facilitate the implementation of public services.¹⁶

The demands for good public services are based on the following grounds:

- 1) government institutions are often judged to be slow to adapt to environmental changes. Institutional rights protected by law make government institutions do not feel "lost" even though the resources used are not proportional to the results enjoyed by community;
- 2) professionalism that has not been inherited and supported by the demands for administrative accountability that exceed the demands of social accountability, encouraging institutions to feel that they do not need creativity, innovation, entrepreneurial spirit, breakthroughs, and these are challenging the processes in carrying out their functions.¹⁷

The above grounds are also experienced by Indonesia in providing legalization services for public documents. The Indonesian Government has taken a very long time to respond to or join the Apostille Convention. Indonesia only joined the Convention and ratified it in 2021 through the Presidential Regulation No. 2 of 2021. Prior to the ratification of the Convention, public must follow the long steps because they must pass through 5 (five) agencies for the legalization. This is because in carrying out public services, the professionalism of the apparatus that provides public services always depends and relies on administrative accountability. In fact, the lengthy procedure does not provide time efficiency for the community in taking care of the legalization of public documents. However, due to administrative procedures that must be followed, the apparatus becomes less innovative in providing these services.

In 2021, Indonesia has ratified the Apostille Convention. This means that the public document legalization services can be carried out through Apostille which can be accessed online, namely on the <https://apostille.ahu.go.id/> page. In terms of measuring the standardization of a public service related to the implementation of legalization of public documents through Apostille, it can be referred to Article 13 of the Government Regulation of the Republic of Indonesia No. 96 of 2012 concerning the Implementation of Law No. 25 of 2009 concerning Public Services in which there are several standardizations as follows:

¹⁵ Monica Agustina Gloria, "Arti Penting Apostile Certified Bagi Pengesahan Dokumen Asing," *Jurnal Res Judicata* 4, no. 1 (2021): 46.

¹⁶ Dyah Adriantini Sintha Dewin, "Analisis Yuridis Pelayanan Publik Yang Baik Sebagai Sarana Mewujudkan Good Governance Dalam Konsep Welfere State,"

¹⁷ Syahriani Syakrani, *Implementasi Otonomi Daerah Dalam Perspektif Good Governance* (Pustaka Pelajar, 2009). 4-5.

- 1) Integration in the sense of the process integration to complete various types of services in one system. Integration is the implementation of public services that can be seen from the legal basis, requirements and systems of mechanisms and procedures in the implementation of public services. Regarding the legalization of public documents before and after using Apostille, of course there have been many changes, especially in terms of procedures or mechanisms for document legalization. The procedure for legalizing public documents before the ratification of the Apostille Convention must go through 5 (five) issuing agencies, namely the Ministry of Law and Human Rights, the Ministry of Foreign Affairs, embassies/representatives of the Republic of Indonesia in the country of origin, embassies and representatives of the country of origin in Indonesia. However, after ratifying the Apostille Convention, the procedure becomes shorter, namely the management of legalization of public documents is sufficient at the competent authority, namely the institution authorized to take care of the legalization of public documents as mandated in Article 7 of the Apostille Convention. Indonesia has appointed the Ministry of Law and Human Rights as the competent authority. Therefore, the first indicator in the implementation of public services, namely the existence of integration has been achieved after the ratification of the Apostille Convention.
- 2) Economical nature which means that it does not cause high economic costs for community. The economy in question is regarding the cost of services which must pay attention to the affordability of the community and adjust the costs paid to the fees that have been regulated and the details of the costs must be clear. The rate of Non-Tax State Revenue (PNBP) for apostille legalization services on public documents applicable to the Ministry of Law and Human Rights is regulated in the Regulation of the Minister of Finance of the Republic of Indonesia number 101/pmk.02/2022 which is only Rp. 150,000.00 (one hundred and fifty thousand rupiah). Applicants can directly enter and create an account at the link <https://apostille.ahu.go.id/> and follow all the steps. This is certainly far more economical than the costs that must be paid before the Apostille convention which must go through 5 (five) agencies. Therefore, the second indicator in the implementation of public services, namely the economical nature has been achieved after the ratification of the Apostille Convention.
- 3) Coordination means the types of services provided are not independently managed, but they must work in 1 (one) working team that is truly integrated and coordinated with the same mission to provide the best service for community. After the ratification of the Apostille Convention in which the legalization of public documents has been carried out by only 1 (one) team, namely the competent authority. The appointed competent authority is the Ministry of Law and Human Rights. Therefore, the third indicator in the implementation of public services, namely the coordination has been achieved after the ratification of the Apostille Convention.
- 4) Accountability means that services provided through an integrated service system must be truly accountable in accordance with statutory regulations. After the ratification of the Apostille Convention through the Presidential Regulation No. 2 of 2021, Indonesia issued several regulations to implement the Convention, namely the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 6 of 2022 concerning Apostille Legalization Services on Public Documents, Regulation of the Minister of Finance of the Republic of Indonesia Number 101/Pmk.02/2022 concerning Types and Tariffs of Non-Tax State Revenues Urgent Need for Apostille Legalization Services on Public Documents Applicable to the Ministry of Law and Human Rights, Decree of the Minister of Law and Human Rights

of the Republic of Indonesia Number M.HH-01.HH.03.01 of 2022 concerning List of Types of Apostille Legalization Service Documents on Public Documents. Accordingly, the fourth indicator in the implementation of public services, namely the existence of accountability has been achieved after the ratification of the Apostille Convention.

- 5) Accessibility means that the availability of public services that are easily achieved by all groups. The implementation of public services for legalizing public documents through Apostille can be accessed online via <https://apostille.ahu.go.id/>. In this regard, the public document legalization service through Apostille can be accessed easily by all people by visiting the link of <https://apostille.ahu.go.id/>. Therefore, the fifth indicator in the implementation of public services, namely the accessibility has been achieved after the ratification of the Apostille Convention.

Based on the indicators of public services as regulated in Article 13 of the Government Regulation of the Republic of Indonesia No. 96 of 2012, the implementation of public services in terms of legalizing public documents through Apostille has fulfilled an excellent public service.

3.2 The Need for Legalization of Public Documents Through Apostille in the Education Sector

Indonesian society in the third millennium is faced with major changes in the fields of science and technology, economy, and socio-culture. Some people enter the information society although some are in the industrial society, and some are still in the agrarian society. At the beginning of the third millennium the Indonesian nation entered AFTA 2003 and APEC 2010 which required the readiness of human resources to compete and become winners in global competition.¹⁸

By facing the increasingly tough competition and environmental uncertainty in the future, high quality human resources are needed, and therefore one of the efforts that must be prioritized in improving the quality of the nation in terms of the quality of human resources is through education. Empirical experience has proven that nations that have enjoyed prosperity for their people are nations that have started their development through education even though they do not have sufficient natural resources. With quality human resources and mastering science and technology, they can enjoy the prosperity of their nation.

Therefore, the implementation of education is always evolving from time to time. In the current era of democracy, a new approach has emerged in the field of education, namely the Independent Study, Independent Campus (*Merdeka Belajar Kampus Merdeka/MBKM*). MBKM raises a new paradigm in the world of education, including higher education. The policy of the Minister of Education and Culture in 2020 with the MBKM concept is considered relevant and appropriate to be implemented in the current democratic era. According to Nadiem Makarim, the basic concept of choosing independent learning is inspired by the philosophy of K.H. Dewantara with an emphasis on independence. The MBKM consists of two essential concepts, namely "Free Learning" and "Independent Campus". First, the concept of independent learning means freedom of thought. According to Nadiem Makarim, the essence of freedom of thought must be started first by educators. Such a view should be seen as an effort to respect changes in learning in educational

¹⁸ Muhandi, "Kontribusi Pendidikan Dalam Meningkatkan Kualitas Bangsa Indonesia," *Jurnal Mimbar* 20, no. 4 (December 2004): 478.

institutions in primary, secondary and tertiary institutions. Second, the independent campus is a continuation of the concept of independent learning. Independent Campus is an attempt to release “the shackles” to be able to move more easily.¹⁹

The purpose of MBKM is to improve the competence of graduates, both soft and hard skills to be more prepared and relevant to the needs of the times, prepare graduates as future leaders of the nation who are excellent and having good personality. The MBKM policy is in line with the Regulation of the Minister of Education and Culture (*Permendikbud*) No. 3 of 2020 concerning National Higher Education Standards. In the MBKM policy, students have the opportunity for 1 (one) semester or equivalent to 20 (twenty) Semester Credit Units to study outside the study program at the same tertiary institution; and a maximum of 2 (two) semesters or equivalent to 40 (forty) credits of studying in the same study program at different tertiary institution, studying in different study program at different tertiary institution; and/or studying outside of the tertiary institution.

There are eight activities that are accommodated in the MBKM policy, namely: student exchanges, internships/work practices, teaching assistance in educational units, research, humanitarian projects, entrepreneurial activities, independent studies/projects, and building a thematic real work village/college. These activities provide a variety of benefits for students, tertiary institutions, industry and society. By participating in various MBKM programs, students are given the opportunity to study according to their interests outside the courses offered by the Study Program (Roy et al., 2019), students are given the opportunity to innovate, feel work atmosphere through internships (Baert et al., 2021), trained to think critically through research and independent projects, also gain the entrepreneurial spirit (Byun et al., 2018), and soft skills are developed through a variety of activities including real work lectures and humanitarian project.²⁰

The presence of MBKM shows that a greater need for legalization of public documents in the field of education because through the MBKM, students, lecturers, education staff have a big opportunity to study or teach abroad. This shows that the need for legalization of public documents in the field of education will increase.

In Article 1 of the Apostille Convention stipulates the following public documents:

- a) documents emanating from an authority or an official connected with the courts or tribunals of the State, including those emanating from a public prosecutor, a clerk of a court or a process-server ("huissier de justice");
- b) administrative documents;
- c) notarial acts;
- d) official certificates which are placed on documents signed by persons in their private capacity, such as official certificates recording the registration of a document or the fact that it was in existence on a certain date and official and notarial authentications of signatures.

However, the Convention shall not apply:

- a) to documents executed by diplomatic or consular agents;

¹⁹ Tuti Marjan Fuadi, “Konsep Merdeka Belajar-Kampus Merdeka (MBKM): Aplikasinya Dalam Pendidikan Biologi,” *Prosiding Seminar Nasional Biotik*.

²⁰ Hendra Wijaya, Kristina Pae, and Ignasius Radix, “Dampak Implementasi Merdeka Belajar Kampus Merdeka (MBKM) Pada Dosen, Mahasiswa, Dan Tenaga Kependidikan Di Universitas Katolik Widya Mandala Surabaya,” *Jurnal Pendidikan, Hukum, Dan Bisnis* 7, no. 1 (2022): 76.

b) to administrative documents dealing directly with commercial or customs operations.

Regarding public documents in education that can be legalized through the Apostille service can be found under the Decree of the Minister of Law and Human Rights of the Republic of Indonesia Number M.HH-01.HH.03.01 of 2022 concerning List of Types of Apostille Legalization Service Documents on Public Documents. Since the implementation of the Apostille as a means of public service in terms of legalizing public documents, many requests have been submitted to the system. The following data shows the number of requests for Apostille services.

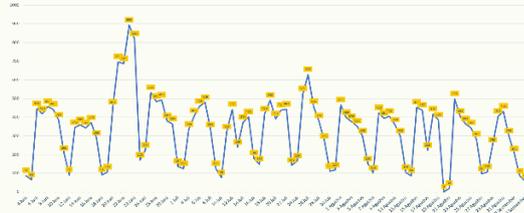


Figure 1. Number of Applications for Public Document Legalization Services Through Apostille (6 September 2022)

Source: Ministry of Law and Human Rights

Table 1. The Countries of Destination (6 September 2022)

No	Country	Number of Service
1	Germany	3437
2	Italy	2095
3	Netherlands	3790
4	Turkey	2909
5	South Korea	6833

Source: Ministry of Law and Human Rights

Table 2. The Provinces of Origin (6 September 2022)

No	Province	Number of Service
1	Central Java	2984
2	East Java	2896
3	DKI Jakarta	8430
4	West Java	63662
5	Banten	2634

Source: Ministry of Law and Human Rights

Table 3. Filed Documents (6 September 2022)

No	Type of Document	Number of Document
1	Public Notary	3473
2	Population	6155
3	Education	6765
4	Translator	3003
5	Police	1801

Source: Ministry of Law and Human Rights

Based on the above data, it is apparent that many people have used the Apostille services. The highest request for legalization of public documents is in the field of education, which is as many as 6765 submitted documents. The Decree of the Minister of Law and Human Rights of the Republic of Indonesia Number M.HH-01.HH.03.01 of 2022 concerning the List of Types of Apostille Legalization Service Documents in Public Documents provides the list of public documents which can be submitted to the Apostille system as follows:

a) Supreme Court

- 1) Copy of Court Decision which has permanent legal force
- 2) Copy of Court Decision
- 3) Divorce Certificate

Ministry of Youth and Sports. Certificate of Sports Personnel (Coaches, Assistant Coaches, Referees, etc.)

Ministry of Religion

- 1) Marriage Book
- 2) Halal Certificate
- 3) Grant Deed
- 4) Deed of Waqf
- 5) Certificate of State Religious University (PTKN)
- 6) State Aliyah Madrasah Diploma (MAN)
- 7) State Sanawiah Madrasah Diploma (MTs)
- 8) Diploma of Madrasah Ibtidaiyan State (MIN)
- 9) Transcript of State Religious College (PTKN)
- 10) Transcript of State Aliyah Values (MAN)
- 11) Transcript of State Islamic Madrasah Values
- 12) Transcript of State Islamic State (MIN) Madrasah Values
- 13) Translation.

b) Ministry of Education, Culture, Research, and Technology

- 1) Diploma
- 2) Transcript
- 3) Course Institute Certificate
- 4) Professional Certificate
- 5) Certificate of Competence
- 6) Educator Certificate
- 7) Professional Allowance Decree (SKTP)
- 8) Certificate of completion of education and training (STTPL) issued by Center for Development and Empowerment of Educators and Education Personnel (PPPPTK)/Principal Development and Empowerment Institute (LPPKS)/Institution for Development and Empowerment of Educators and Personnel Education (LPPPTK)
- 9) Principal's Unique Number Document (NUKS)
- 10) School Registration Number Document (NRG)
- 11) Certificate of Participating in Training
- 12) Certificate of Appreciation as Teacher/Principal of Formal Achievement and Non-formal
- 13) Certificate of Determination of Cultural Conservation
- 14) Intangible Cultural Heritage Designation Certificate
- 15) Other educational documents

- 16) Other cultural documents.
- c) Indonesian National Police
 - 1) International Driver's License
 - 2) Certificate of Police Caratan
 - 3) Police Report
- d) Ministry of Defense
 - 1) National Defense Certificate
 - 2) Defense University Diploma
 Ministry of Internal Affairs
 - 1) Birth Certificate
 - 2) Death Certificate
 - 3) Marriage Certificate
 - 4) Divorce Certificate
 - 5) Child Recognition Certificate
 - 6) Child Legalization Certificate
- e) Ministry of Social Affairs
 - 1) Decree of the Minister of Social Affairs concerning the Granting of Child Adoption Permits
 - 2) Social Worker Competency Certificate (Legal acknowledgment letter on the competence and professionalism of Social Workers to be able to practice after passing the competency test)
 - 3) Certificate of Competency of Social Instructor (Legal acknowledgment letter on the competence and professionalism of Social Extension)
 - 4) Diplomas and transcripts issued by the Social Welfare Polytechnic (Poltekkesos)
- f) Ministry of Tourism and Creative Economy/Tourism and Economy Agency Creative
 - 1) Tourism Polytechnic Diploma
 - 2) Transcript of Tourism Polytechnic Values
 - 3) Certificate of Companion for Tourism Polytechnic Diploma
 - 4) Tourism Polytechnic Competency Certificate
 - 5) Tourism Polytechnic Accreditation Certificate
- g) National Agency for Professional Certification
 - 1) Certificate of Competence
 - 2) Competency Assessor Certificate
 - 3) Competency Assessor Master Certificate
 - 4) Memorandum of Understanding (MOU)
 - 5) Cooperation Agreement (PKS)
- h) Ministry of Agrarian and Spatial Planning/National Defense Agency
 - 1) Certificate issued by the National Land College
 - 2) Transcripts issued by the National Land College
 - 3) Training Certificate issued by the National Land College
- i) Others
 - 1) Notary documents
 - 2) Sworn-in translator document

3) Documents issued by officials of the Ministry of Law and Human Rights

Documents which are needed by educational institutions may vary depending on the regulations of the said institution. If the documents required are not in the list, it may be resolved by translating the said documents into English by the sworn-in translator since this type of document may be submitted to the Apostille service. If the Apostille service is analyzed by using the Benefit Theory by Jeremy Bentham which emphasizes that "the aim of law is The Greatest Happiness for the greatest number". The purpose of law is to provide benefits to as many people as possible. The term 'benefit' here is defined as happiness, consequently the assessment of whether a law is good or bad or not depends on whether the law gives happiness to humans or not.

After Indonesia ratified the Apostille Convention, there have been many benefits for community. However, the public document service through Apostille still needs to be developed so that it can provide the widest and greatest benefit to the community. The development in question is that the legalization of public documents through Apostille has to apply to "all" categories of public documents, namely all documents issued by the government, no longer only applies to certain public documents as stipulated in the Decree of the Minister of Law and Human Rights of the Republic of Indonesia Number M.HH-01.HH.03.01 of 2022. Thus, it is hoped that Presidential Regulation No. 2 of 2021, which applies as a positive law, can provide the widest possible benefit to the community.

4. CONCLUSION

The government plays an important role in providing good public services for community. Indonesia is one of the countries that carry out this role. This can be seen in the enactment of Law Number 25 of 2009 concerning Public Services. Indonesia continues to strive in providing good public services for its community. One of the steps in developing public services in the field of legalization of public documents is the ratification of the Apostille Convention through Presidential Regulation No. 2 of 2021. Since the ratification of the Apostille Convention, public services in terms of legalizing public documents have become better with the fulfillment of excellent public service standards based on Article 13 of Government Regulation of the Republic of Indonesia No. 96 of 2012 concerning the Implementation of Law No. 25 of 2009 concerning Public Service. Apart from that, the need for legalization of public documents in the education sector is also very much needed since the implementation of the MBKM program. Through this program, students, lecturers, and education staff have the opportunity to pursue their studies outside the study program, outside tertiary institutions, both domestic and foreign universities. With this program, the legalization of public documents in the field of education will increase. This is also supported by data entered by the Ministry of Law and Human Rights, namely that the submission of legal documents in the education sector is the highest submission compared to the submission of public documents in other fields. However, there are recommendations in terms of developing public services related to the legalization of public documents in the field of education that have been carried out through Apostille, namely the legalization of public documents through Apostille that should be opened for all types of public documents so that this service can provide the widest benefit for the people of Indonesia.

REFERENCES

Journal Article

Bazarah, Jamil, Ahmad Jubaidi, and Futum Hubaib. "Konsep Pelayanan Publik Di

Indonesia (Analisis Literasi Penyelenggara Pelayanan Publik Di Indonesia." *Jurnal Dedikasi*, no. 2 (December 2021): 107.

Disemadi, Hari Sutra, and Kholis Roisah. "Kebijakan Model Bisnis BANK Wakaf Mikro Sebagai Solusi Pemberdayaan Ekonomi Masyarakat." *Jurnal Law Reform* 15, no. 2 (2019): 182.

Gloria, Monica Agustina. "Arti Penting Apostile Certified Bagi Pengesahan Dokumen Asing." *Jurnal Res Judicata* 4, no. 1 (2021): 46.

Kurniawan, Robi Cahyadi. "Tantangan Kualitas Pelayanan Publik Pada Pemerintah Daerah." *Jurnal Ilmu Pemerintahan Universitas Lampung* 7, no. 1 (2016).

Maramis, Junaidy, and Juneidi Coloay. "Implikasi Hukum Bagi Masyarakat Penolak Vaksinasi COVID-19 Sebagai Hak Pelayanan Kesehatan." *Journal of Judicial Review* 24, no. 1 (December 2022): 3.

Muhardi. "Kontribusi Pendidikan Dalam Meningkatkan Kualitas Bangsa Indonesia." *Jurnal Mimbar* 20, no. 4 (December 2004): 478.

Nanda, Reza Ria, and Rouli Anita Velentina. "Tanggung Jawab Notaris Dalam Legalisasi Dokumen Warga Negara Asing Menurut Konvensi Apostille." *Jurnal USM Law Review* 5, no. 1 (2022): 270.

Penasthika, Priskila Pratita. "Urgensi Akses Terhadap Apostille Convention Bagi Negara-Negara Anggota ASEAN Dalam Menyongsong Masyarakat Ekonomi ASEAN 2015, Perspektif Hukum Perdata Internasional Indonesia." *Jurnal Penelitian Hukum Supremasi Hukum* 24, no. 2 (December 2015): 155.

Rianti, Selvi, Zaili Rusli, and Febri Yuliani. "Kualitas Pelayanan Publik." *Jurnal Ilmu Administrasi Negara* 15, no. 3 (December 2019): 412.

Thesis, Web Page, and Others

"Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents," n.d. dan Hak Asasi Manusia Republik Indonesia, Kementerian Hukum. "Naskah Urgensi Pengesahan Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents (Konvensi 5 Oktober 1961 Tentang Penghapusan Persyaratan Legaliasi Terhadap Dokumen Publik Asing)," 1961.

Denhardt, Janet V, and Robert B Denhardt. "The New Public Service: Serving, Not Steering." *M.E. Sharpe, Inc*, 2003.

Dewin, Dyah Adriantini Sintha. "Analisis Yuridis Pelayanan Publik Yang Baik Sebagai Sarana Mewujudkan Good Governance Dalam Konsep Welfare State," n.d.

Fuadi, Tuti Marjan. "Konsep Merdeka Belajar-Kampus Merdeka (MBKM): Aplikasinya Dalam Pendidikan Biologi." *Prosiding Seminar Nasional Biotik*, n.d.

Rukayat, Yayat. "Kualitas Pelayanan Publik Bidang Administrasi Kependudukan Di Kecamatan.