

Legal Analysis of Development in Organizational Ambidexterity in Higher Education Institutions

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Abstract

Ambidexterity plays an important role in organizational development, which influences national development. National development is a joint effort between the people and the state which is carried out in order to improve themselves in a better direction together. The aim of this research is to analyze the law of organizational amidecsterity development in higher education institutions. This research is part of a qualitative research using a systematic review approach. Systematic review is a method that uses previous evidence-based evidence through review, evaluation, structured evaluation, classification and categorization. The results of the research analysis show that the ambidexterity of higher education institutions is a model that integrates the performance determinants of classy higher education institutions, and proposes a commitment that is influenced by: (a) brand ambidexterity, which is explorative and exploitative oriented; (b) able to adapt to the social and economic environment; and (c) being responsive to students' perceptions of the university's brand image and reputation which will increase their commitment to their studies. The implication of this research is to provide an overview to higher education institutions so they can develop the concept of ambidexterity in the process of implementing higher education

Keywords

Development Law, Ambidexterity, Higher Education, National Development

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1. INTRODUCTION

In organizational theory, ambidexterity is defined as 'the capacity of an organization to align and efficiently manage current business demands while being adaptive to environmental changes.' The need to improve the relationship between universities and their social and economic environment is the cause of one of the most significant changes in management, organization, and power structure in universities today. However, the traditional university structure needs to be revised to carry out the strengthening of new instruments and, at the same time, turn them into entrepreneurial universities (Sari, 2017).

The Roman god Janus had two pairs of eyes—one focused on what was behind and the other on what was ahead. The general manager and executive of the company must be able to get in touch. They must also constantly look back, and pay attention to past products and processes while also looking forward, preparing for innovations that will determine the future. (Tushman, 2014)

One of the enduring ideas in an organization is that the long-term success of an organization depends on its ability to exploit its current capabilities while simultaneously exploring new



fundamental competencies. Early research often perceives the trade-off between the two activities as insurmountable. However, more recent research describes 'an ambidextrous organization capable of exploiting existing competencies and exploring new opportunities.' Developing on top of his previous work, by Duncan and Tushman and O'Reilly, the first presented Theory of Organizational Ambidexterity. They suggest that superior performance is expected from ambidextrous organizations and explain the structure of mechanisms for activating ambidexterity (Taródy, 2016).

The act of mental balancing can be one of the toughest managerial challenges, and it requires executives to explore new opportunities even as they work diligently to exploit existing capabilities. Hence, it is no surprise that only a few companies do well. Most successful companies seem adept at perfecting their current offerings, but they need to improve in pioneering radical new products and services. Kodak and Boeing are just two recent examples of once-dominant companies that could have adapted to market changes. Kodak excels in analog photography but has yet to be able to leap into digital cameras. Boeing, a longtime pioneer in the commercial aircraft industry, is experiencing difficulties in its defense contractor business and has recently stumbled in the face of competition from Airbus.

Based on the explanation above, Ambidexterity plays an important role in organizational development, which influences national development. National development can be achieved, one of which is supported by universities. The governance of a tertiary institution depends on these factors which are integrated with one another. If one factor is not good, it will have an unfavorable impact on other factors and of course cause the governance of a tertiary institution to be poor. Therefore, governance is the central point in this research because it is the main focus in improving the quality of education in a tertiary institution (O'Reilly, Charles & Tushman, 2013).

Ambidexterity plays an essential role in the organization's development, which affects national development. National development is a joint effort between the people and the state that is carried out in order to improve themselves in a better direction jointly. National development efforts must be connected to social development and economic development. Social development is carried out to influence large groups in the community or society and the social relations that occur in society. One way to realize social development is through the education system. The progress and development of education are factors in the nation's success. This can be seen from several indications of the progress of the western world with excellence in the field of education. (Rodrigues et al., 2016)

Empirical work presents results and reflections on organizational ambidexterity. Three jobs can be highlighted. The first study was authored by Nicholas Tay (University of San Francisco) and Robert Lusch (University of Arizona) who lead Agent-based modeling of ambidextrous organizations: virtualization competitive strategies, published in 2007 by IEEE Intelligent Systems. In its origins, the study uses the definition of ambidexterity defended by March and Tushman & O'Reilly III (the same authors who inspired this study), and the element of investigative interest refers to the horizon of analysis, using agent-based modeling. (ABM). In the study, using sophisticated ABM techniques in their testing, Tay and Lusch observed that even if an organization is ambidextrous in a turbulent market, it will not have a competitive advantage; however, such organizations have a more developed learning capacity than other companies. In summary, after controlling for variables, as the authors propose, because of their exploration and exploitation skills, ambidextrous organizations learn 20% faster than other firms. The researchers also indicated that the results provide valuable insight into the small producers participating in this study, although it is impossible to generalize to this study. In this regard, Bierly and Daly have suggested a more in-depth study of ambidexterity in service firms, which would make it easier to understand this much more complex enterprise sector (Soares et al., 2018)

Law contributes as a tool of development control, namely that the law becomes a tool to control the course of national development. The law acts as an umbrella that controls various aspects of national development, including economic, social, and ecological development. Especially considering that Indonesia has an extensive area, laws that are enforced evenly and thoroughly can ensure the overall welfare of the people¹².

2. METHODS

This research is part of a qualitative research using a systematic review approach. Systematic review is a method that uses previous evidence-based evidence through review, evaluation, structured evaluation, classification and categorization. Because the steps and strategies for carrying out systematic reviews are well planned and structured, this method is very different from methods that are only used to convey literature studies (SugiFyono, 2016). Systematic review is a type of evidence synthesis in which broad or narrow research questions are formulated, and data directly related to the systematic review questions are identified and synthesized. Data was collected through a review of previous research literature. Then, it is concluded through deductive reasoning (general to specific).

3. FINDINGS AND DISCUSSION

The concept of organizational ambidexterity has been around for many years, some research evidence suggests that many companies have attempted to implement it (Wibowo, 2019) Ambidextrous organizations excel at leveraging existing products to enable additional innovation and to explore opportunities to encourage more radical innovation (Kassotaki, 2022) The main challenge for management in promoting innovation and how to apply it to new innovations is the many binding things such as regulations and policies. And it is a challenge for managers when they see an opportunity to develop a new vision, create a new strategy, and move the organization in a new direction, namely they need to balance changing regulations (rulechanging) and regulations (rulefollowing) (Sari, 2017)Based on the analysis that has been done, the legal analysis of the development of organizational amideksteritas in higher education institutions consists of:

a. Ambidexterity in Organizations

Organizational ambidexterity refers to an organization's ability in the form of exploration and exploitation—to compete in mature technologies and markets where efficiency, control, and incremental improvement are valued and compete in new technologies and markets where flexibility, autonomy, and experimentation are required (Prasetio et al., 2022). The word Ambidexterity means "extraordinary prowess," just like the ability to use both hands equally well. Dovev Lavy et al. Critically reviews the growing literature on exploration and exploitation, discusses from various perspectives, raises concerns conceptually and empirically, underlines challenges for further development, and provides direction for future research.

One of the basic insights of organizational studies is that different organizational forms are associated with different strategies and environmental conditions. According to Schumpeter, innovation can be understood as the accumulation of technologies that develop from the current state of affairs, which allows organizations to achieve healthy profit margins. For companies classified as innovators, they can carry out exploitation actions (incremental innovations) aimed at improving existing production systems, seeking efficiency improvements, and exploration actions (radical innovations) aimed at the exploration of new things, products, services, markets, and technologies (Kolster, 2021).

Balancing exploratory and exploitative innovation ambidextrous has emerged as one of the most important questions in management research. While the ability of companies to jointly pursue exploitative and exploratory innovations has been understood as having a positive performance effect. Scientific efforts to answer the question of ambidexterity have left a disproportionate gap in our understanding of how innovation ambidexterity can be achieved, especially in small-to-medium enterprises (SMEs (Nguyen et al., 2016)). The results of studies focusing on the characteristics of top managers, the features of organizational structure and context in facilitating the emergence of ambidexterity in SMEs, and the mediating effect of ambidexterity innovations between structural, contextual, and leadership characteristics on the performance of SMEs, show that SMEs can achieve a balance between exploratory and exploitative innovation through the establishment of appropriate international organizational structures and adopting the style of Leadership.

As an example in innovation studies, Burns and Stalker noted that companies operating in stable environments develop what they call "mechanistic management systems" characterized by clear hierarchical relationships, well-defined roles and responsibilities, and clear job descriptions. In contrast, companies operating in a volatile environment, develop more "organic" systems with a lack of formally set tasks, more lateral coordination mechanisms, and less dependence on formalization and specialization. Since 1996, there has been an explosion of interest and research on this topic. Until now, it is still continuing and growing (Nguyen et al., 2016).

Research on ambidexterity is especially increasingly relevant due to the COVID-19 pandemic which has forced changes in people's activity patterns. In various organizations and companies, the main change can be seen from the implementation of work from home which requires all activities to be carried out online. Here, the ambidexterity of an organization is tested, that is, its ability to optimize existing advantages and resources, by referring to and anticipating various possibilities in the future.

Due to the COVID-19 pandemic, working from home will become a continuation causing major changes. Based on tracking results for a number of companies, mostly in the United States, it was found that working from home has become much more important. Most people like the work from home system, because it makes them more productive, as well as having more control over their schedules, even though they actually work longer hours when doing it at home. After the COVID-19 pandemic ends, it is believed that this change in the working system will become permanent for some companies. It is also not closed can happen to colleges as well.

b. **Ambidexterity Higher Education Institutions**

The inability to deal with a changing environment can cause higher education institutions (LPTs) to lose attractiveness institutionally. Digital transformation requires global insertion as an important feature to increase institutional attractiveness. The process for international education seems to have no connection between the direction of real environmental symptoms and the internal ability to switch to global education. LPT managers are making an approach to internationalizing education by incorporating ambidextrous strategies backed by resilience and consolidated capabilities. LPT, which refers to the development of internal value attributes to increase institutional attractiveness, is certain to stand firm in the global environment. It should be underlined that the number of universities in Indonesia is 3,280, consisting of 99 state universities and 3,181 private universities (Nurwendi & Haryadi, 2022).

Institutional ambidexterity can be done through approaches: structural, brand, organizational, contextual, innovation, and leadership. In carrying out exploration and exploitation, it is possible to apply a combination of these approaches. Levinthal and March argue that long-term success depends on an organization's ability to simultaneously exploit current survival and explore future survival.

Popadiu points out that ' ambidexterity can be contextual or structural':

- a. Contextual: refers to the methods, practices and processes used by organizations to achieve ambidexterity. Gibson and Birkinshaw define contextual ambidexterity as the behavioral capacity to simultaneously demonstrate alignment and adaptability between business units.
- b. Structural: refers to a form or design of an organization that contains a separate structure for exploration, exploitation and also different competencies, systems, incentives, processes and cultures for each organizational unit (García-Hurtado et al., 2022).

To highlight the main characteristics of the two approaches described above, it can be read in Table 1 as follows.

Table 1. Comparison between structural and contextual ambidexterity

Structural Ambidexterity	Contextual Ambidexterity
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<i>How is ambidexterity achieved?</i>	Focus on alignment and adaptability, activities are carried out separately in units or teams.	Employees divide their time between focusing on alignment and adapting skills activities.
<i>Where are decisions made about the division between alignment and adaptability?</i>	At the top of the organization	At the forefront: sales, supervisors and office workers.
<i>The role of top management</i>	Determine the structure and <i>trade-off</i> between alignment and adaptability.	Develop an organizational context in which individuals act.
<i>The nature of the role of Competence of employees</i>	Relatively well defined. More expert.	Relatively flexible. More generalist.

Note: Adapted from Gibson and Birkinshaw

Tushman and O'Reilly III suggest a series of actions for organizations to achieve ambidexterity, as can be read in Table 2 as follows.

Table 2. Leadership of Ambidextrous

Juxtaposition	Business exploitation	Exploration business
Strategic intent	Cost, profit	Innovation, growth
Critical tasks	Operation, efficiency, additional innovations	Adaptability, new products, revolutionary innovations
Competence	Operational	Businessman
Structure	Formal, mechanistic	Adaptability
Control, Reward	Margin, productivity	Goals and growth
Culture	Efficiency, low risk, quality, customer	Taking risks, speed, flexibility, experimentation
Leadership roles	Top-down, authoritarian	Visionary, interesting

Table 3. Organizational Ambidexterity

Factor	Code	Variable
Exploration actions	1.1	Proceeding to search for technological solutions by thinking "outside the box", that is, looking for solutions outside the boundaries of the company, researching technologies that are different from those that exist today.
	1.2	Explains the performance of the company due to the exploration of innovative technologies, that is, its success is based on its ability to explore new technologies.
	1.3	Focus on the creation of new products and/or services.
	1.4	Looking for creative and different ways to meet the needs of its students.
	1.5	Using new products to operate in new markets.
	1.6	Using new services to operate in new markets.
	1.7	Using innovation to meet the needs of its students.
Exploitation actions	2.1	Strive to gradually improve the quality of its products and services.
	2.2	Seeks to gradually reduce the cost of its products and services
	2.3	Seeks to gradually increase the level of reliability of its products and services.
	2.4	Seeks to increase the level of automation in its operation.

2.5	Often research current student satisfaction.
2.6	Developing its product or service offerings, carefully observing the characteristics of today's students.
2.7	Strive to strengthen and deepen relationships with current students.

Following the procedure proposed by Edward, Lubatkin et.al, looked for the most interpretable approach to combine exploration and exploitation. The results of its regression calculation in 3 dimensions are plotted and produce Figure 1.

Organizations that successfully balance exploratory and exploitative activities, in improving existing processes and products while developing new ones, are considered ambidextrous organizations. The literature shows that organizations with integrated management are more successful in implementing innovations. Ambidextrous companies are the most successful, and more than 90% of ambidextrous companies achieve their organizational goals. Excellent education as a well-functioning exploratory unit must have a close relationship between the leader and the led institution of higher education. In addition to the structural position of leadership in exploratory units, what is also important is the attitude of the leadership.

Havermans et.al. suggests that in responding adaptively to environmental stimuli, leaders shift between practices to emphasize exploitation or exploration in order to again obtain the high levels needed from both, and their application is limited by conditions to keep simultaneous exploration and exploitation high. Havermans et.al. also discusses the implications of these findings for understanding 'contextual ambidexterity' as a dynamic achievement that arises in everyday interactions, the role of leaders in enabling contextual ambidexterity, and the need for Human Resources (HR) managers to support leaders in enacting dynamic forms of leadership (Taródy, 2016).

Higher education institutions in Indonesia, which number 3,280, really feel the high competition in grabbing the interest of smart and talented students and the workforce, who want to continue their education at the institution. Although the government, through the Minister of Education and Culture has been declared an 'independent campus in learning', a number of government regulations have not given freedom for universities to innovate institutionally and operationally. For this reason, this paper only limits to functional units and position structures that are commonly found in higher education institutions in Indonesia.

After the health emergency status (Covid-19 Pandemic) was declared by the Indonesian government, as well as to continue accreditation successfully, BAN-PT published a Virtual Site Assessment Guide in June 2020. The guidance is intended to help all parties adjust regular physical field trips to the presumptions required by pandemic restrictions. This guide expressly adheres to conventional physical field trips in all areas, except on the assessor's physical presence on the spot, online access to data, and information related to the accreditation of the institution or program for the assessor. It seeks to ensure that Virtual Site Visits (VSV) are not in any way represented by less robust institutional assessments. These facts are substantiated in the analysis of VSV recordings and in focus groups. In the future, the VSV process will continue in accordance with the development of the use of ICT in universities in Indonesia, in addition to the on-line learning and teaching process (O'Reilly, Charles & Tushman, 2013).

Some of the targets to be achieved by the college a.1. are: (a) the quality of the learning and teaching process that will shape the expertise and excellence of its alumni, (b) teaching methods in the form of a combination of face-to-face and on-line teachers, (c) the availability of complete library facilities that can be accessed on-line, (d) the fulfillment of laboratories for practicum and research purposes, and (e) the availability of ICT facilities to support the process of 'teaching and learning' as well as the activities of the 'administrative system' of universities. The target is expected to be achieved and produce: (a) the interest of outstanding high school and high school (vocational) graduates to enter and study at the college; (b) increased interest of S1 alumni from the college to resume their studies at the postgraduate level, and (c) obtain superior institutional accreditation.

c. Legal Theory of Development

Mochtar Kusumaatmadja developed the Legal Theory of Development, which is the conception of law as a means of development. The background of the birth of the Legal Theory of Development is caused by the impression of lack of trust in the law and its usefulness that arises in society, in the midst of busy development. The law is considered to have no role whatsoever, it can even hinder the change of society. Although in reality with the changes and developments of culture, there has been a change in people's thinking about the law (Soares et al., 2018).

Originally the Legal Theory of Development emerged as a modified legal coaching concept and adapted from Roscoe Pound's Theory of "Law as a tool of social engineering," which developed in the United States, not intended as a theory. Mochtar Kusumaatmadja processed all the inputs and ways of thinking of several foreign jurists such as Herold D. Lasswell and Myres S. McDougal, as well as Roscoe Pound, and adapted them to Indonesian conditions. In essence, according to Mochtar Kusumaatmadja, the law is a tool for maintaining order in society. However, for a society in the process of development and is changing rapidly, the law must also have a function to help the process of changing that society. So that the main purpose of law for people who are in the process of development is not enough just to ensure certainty and order, but must be able to function as a means of community renewal or "law as a tool of social engineering" (Joerger, 2022).

Some of the reasons for the Legal Theory of Development are of concern, including:

1. It is a theory created by Indonesians by looking at the dimensions and culture of Indonesian society, so that it still exists today in Indonesia. Thus, this theory in its application will be in accordance with the conditions and situation of Indonesian society which is pluralistic;
2. Using the frame of reference of the Indonesian people's view of life based on the principle of Pancasila, so that this theory includes principles, institutions, and rules that are already dimensions that include elements of the legal system as stated by Lawrence M. Friedman, namely structure, substance, and culture;
3. Providing the basis of the function of law as a means of renewal of society.

In relation to ambidexterity in higher educational institutions, it is understood that successful higher education institutions develop ambidextrous properties can be very influential in social development, and in turn, in national development. Law as a means of renewal of society can be a tool or spearhead to create ambidexterity in higher education institutions.

d. The Role of Law in Ensuring National Development Through Ambidexterity in Higher Education Institutions

National development is a continuous effort made in order to make the Indonesian nation a nation that is on an equal footing with developed nations, both in terms of living standards and various fields and aspects of life. To measure the achievement of macroeconomic and social development, the Human Development Index (HDI) can be used. HDI is a combination of health, education, and purchasing power indicators. National development that prospers the people can be achieved by applying the concept of sustainable development, with the aim of prospering the people not only for the present, but also in the future. The law guarantees such a conception of sustainable development (Rodrigues et al., 2016).

The law is a reflection of society. This means that rapid social change also requires rapid legal changes, because the development of society will always demand changes in law. Currently, higher education institutions are mainly regulated in Law Number 20 of 2003 concerning the National Education System (Sisdiknas Law), Law Number 12 of 2012 concerning Higher Education (Higher Education Law), and Government Regulation Number 17 of 2020 concerning Management and Implementation of Education (PP Management and Implementation of Education). The National Education Law and the National Education Management and Implementation Regulation as implementing regulations regulate the national education system in Indonesia as a whole which covers

all levels, including higher education. Meanwhile, the Higher Education Law specifically regulates higher education.

Along with the development of information and communication technology, as well as the emergence of the COVID-19 pandemic, it is necessary to change the procedures for organizing and managing adequate higher education in order to accommodate changes in community dynamics. For example, the three regulations above have not regulated the implementation of teaching and teaching formal education through the internet or online. To be able to implement various changes needed to improve the implementation of better higher education, legal products are needed, both in the form of laws, government regulations, and ministerial regulations.

Not only related to ICT, in order to pursue exploration and exploitation simultaneously (ambidextrous), higher education also needs to provide flexibility to its students so that they can become self-capable. For example, as stated in the Regulation of the Minister of Education and Culture Number 3 of 2020 concerning National Standards for Higher Education. It allows students to study outside their study program for 3 semesters (Loisa et al., 2022). This is a form of policy direction that encourages higher education and students towards ambidexterity. However, various other active legal roles are still needed in ensuring a balance between exploratory and exploitative innovation by higher education institutions.

The role of law is needed in making changes, developing and organizing education. In fact, the national education system has been fully regulated in the constitution, but it has not been implemented properly and in full compliance. Moreover, in its development it is always influenced by the development of power politics, and it has become an institutionalized habit when changing power, systems or policies in education also change, both rules, curriculum and other matters related to education, so that the teaching and learning process as well as the results of the process have not been able to produce as expected and aspired to, and educational goals have not been achieved optimally.

4. CONCLUSION

The Industrial Revolution 4.0, which is supported by the development of ICT, is also a product of superior research and development of science carried out by higher education institutions. Therefore, the development of higher education must also be in line with the progress of ICT. Digital transformation is becoming very important and taking place throughout the activities of higher education institutions. On the other hand, higher education institutions must be able to develop their role as an entrepreneurial university that is not only able to survive in competition with similar institutions, but also succeeds in attracting bright and talented students to undergo their studies at the institution, and its implementation is supported through cooperation with the world of industry and trade as users of its graduates.

Higher education institution ambidexterity is a model that integrates the determinants of class university performance, and proposes commitments influenced by: (a) brand ambidexterity, which is exploratory and exploitatively oriented; (b) able to be adaptive to the social and economic environment; and (c) be responsive to students' perceptions of the university's brand image and reputation that will enhance their commitment to their studies.

Law as a means of renewal has a role to ensure that national development runs sustainably. This is ensured through a variety of legal products that help direct that higher education institutions wherever possible are ambidextrous. The educational ambidexterity of higher institutions creates competent and competitive students, which in turn promotes social development. Social development is one of the factors of national development. Thus overall, the law has a great role in national development.

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