



Type: **Research Article**

Paradigm of Law and Human Rights as a Protection of Academic Freedom in Indonesia

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ABSTRACT

Keywords

Academic Freedom
Violence and Terror
Higher Education
Law and Human Rights

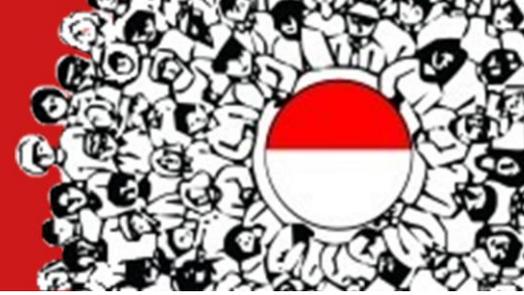
Various attacks on academic freedom in Indonesia are like an iceberg phenomenon. The conditions are very worrying but not surprising, considering that repressive practices in the academic world are common in Indonesia. How is the legal mechanism of human rights and theoretical views responding to the threats to academic freedom in Indonesia. This research uses socio-legal study methods to regarding academic freedom in Indonesia and the patterns that follow. The purpose of this research is to rehabilitate and recover victims of terror and threats to academic freedom and ensure that similar cases are not repeated. Various models of threats and attacks on academic freedom, such as: the use of the judiciary to repress academics, banning and followed by sweeping of left books, prohibition or sanctions on teaching methods, forced dissolution of scientific discussions/forums both by campuses and by law enforcement officials and even groups of thugs, Stigmatization which was followed by violence against lecturers and students, as well as threats of violence and terror and even followed by attempts of persecution became a very worrying problem in the situation of academic freedom in Indonesia. Equally important, there is a need for a human rights legal system related to academic freedom that is institutionalized, strong, and binding so that it becomes a code of conduct for exercising academic freedom in Indonesia.

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1. Introduction

The current situation of academic freedom in Indonesia is increasingly threatened and worrying following a discussion by students of the Constitutional Law Society (CLS) of the Gajah Mada University, Faculty of Law, which was held on May 20, 2020, with the title "The Problem of Dismissal of the President in the Midst of a Pandemic in View of the State



Administration System." Followed by terror and threats against the names listed on the activity posters: speakers, moderators, and contacts. CLS' various terrors and threats ranged from sending online motorcycle taxi orders to their residences, death threat texts, and phone calls to the presence of several people who came to their residences ([CNN Indonesia, 2020](#)).

It does not stop there; the public discussion: #PapuanLivesMatter Legal Racism in Papua online on Saturday, June 6, 2020, 19:00-21:00, which was organized by the Student Association Board University of Indonesia (BEM UI) also received a negative response, in this case, it occurred internally UI itself, which is based on the press release number: peng-102/UN2.HIP/HMI.03/2020 regrets holding the BEM UI discussion without careful consideration and planning, being careless, and presenting speakers who are not worthy.

Although this BEM UI discussion discussed the legal case against seven Papuan youths, who carried out an anti-racism action in August 2019 in Jayapura, they are Ferry Kombo and Alex Gobay, both charged with ten years in prison. Ferry is a former Head of BEM at Cenderawasih University, while Alex is Head of BEM at Jayapura University of Science and Technology (USTJ) ([Tempo.co, 2020](#)). These two cases represent an iceberg phenomenon of violations of academic freedom in Indonesia. The conditions are very worrying but not surprising, considering that repressive practices in the academic world are common in Indonesia. Various kinds of repressive actions carried out both by state entities, internal universities, and thuggery groups have put the campus world in a threatened situation in developing academic freedom, freedom of academic forums, and scientific autonomy ([Tempo.co, 2019](#)).

Based on data from Amnesty International Indonesia, there were at least 25 lecturers, students, and other individuals who became victims of violations of academic freedom during the period of 2019-2022. The cases were varied, ranging from 8 cases of digital attacks/hacking, 5 cases of intimidation, 5 cases of criminalization, 4 cases of sanctions from universities, 2 cases of detention, and 1 case of violence ([Amnesty International, 2022](#)). This data indicates that in the campus environment, which is supposed to guarantee academic freedom, the opposite is actually happening.

Indonesian Caucus on Academic Freedom (*Kaucus Indonesia Kebebasan Akademik-KIKA*), has also collected a number of cases allegedly violating academic freedom from 2019 to May 2022. The data collected shows that there are 20 cases of academic freedom violations involving approximately 64 victims over the past three years. Of the total 64 affected individuals, the majority of them are students (52 individuals), followed by lecturers (9 individuals), and journalists/activists (3 individuals). In addition to individuals, four campus institutions have also experienced violations of academic freedom, including student press social media accounts, student executive bodies (BEM), and hacked campus Zoom accounts.

In line with the data presented by Amnesty International Indonesia, Friedrich-Alexander-Universität (FAU), and V-Dem Institute, also mentioned that the Academic Freedom Index (AFI) score of Indonesia has decreased from 0.77 in 2015 to 0.65 in 2021. This score puts Indonesia in the bottom 40% among other countries worldwide.

The phenomenon of attacks on academic freedom, ranging from physical and psychological attacks to various other forms of attacks on academics ([Norris, 2020](#)) within the international and Indonesian scope ([Ferber, 2018](#)), is showing very worrying symptoms ([Adiprasetyo, 2020](#)). This research wants to answer the following: (1). Legal and human rights mechanisms and theoretical views in addressing threats to academic freedom in the international and Indonesian contexts; (2). What strategies need to be developed to promote and protect academic freedom as a discourse both in the context of Indonesian law and human rights as well as international law and human rights.



2. Research Methods

Identification carried out in socio-legal studies is not limited to text but also deepens the context ([Mulcahy & Cahill-O'callaghan, 2021](#); [Muktiono, 2022](#); [Ulum, 2022](#)), which includes all processes ([Setzer & Vanhala, 2019](#)), from 'law making' (formulation of law) to 'implementation of law' (work of law) ([King et al., 2020](#)). The label socio-legal studies have gradually become an umbrella term encompassing a group of disciplines that apply social scientific perspectives to the study of law, including legal sociology, legal anthropology, legal history, psychology and law, the study of the political science of justice, and comparative science ([Tamanaha, 1997](#)).

The data sources to be used in this socio-legal research on academic violations include primary data (observation) and secondary data (through literature such as relevant journals and policy analyses). The analysis method used is descriptive statistics or regression analysis. The socio-legal approach is an appropriate concept to use in this study. Thus, the analysis carried out has a broad and interdisciplinary perspective in describing the issues raised in this study ([Wiratraman & Putro, 2019](#)).

3. Discussion

3.1. About Academic Freedom

Before discussing academic freedom, we need to identify who are academics or civitas or can be categorized as intelligent or intellectual. Yudi Latif, in his book entitled "Muslim Intelligence and Power," explains the Intellectual Movement, born in France in 1898, which the 'Dreyfus Case raised' (Feuer 1976: 48; Gella 1976: 19). In 1896, Alfred Dreyfus, a Jewish captain in the service of the French army was accused of espionage and was removed from rank by a court-martial and sentenced to life imprisonment. In protest at the arbitrariness of the court's decision, Emile Zola, a well-known popular novelist, published an open letter on the front page of a small Paris newspaper, accusing members of the French army of fabricating evidence, manipulating, and covering up evidence the facts of the case ([Latif, 2012](#)).

This letter became known as the '*manifeste des intellectuels*' (manifesto of intellectuals). This group of intelligentsia works collectively to voice the traditions and interests of certain classes or other social groups. Attempts to conceptualize the 'intellectual worker' as a new collective entity, called the 'new class' or 'knowledge class' ([Latif, 2012](#)).

Intellectual groups in academic work have a moral responsibility to reproduce the truth ([M. J. Burke & Stephens, 2018](#)), side with the wider community's interests ([Roos & Hoffart, 2020](#)), and strengthen democracy ([D. D. Burke & Sanney, 2018](#)). Thus, its vital position needs to be protected by various types of protection to strengthen academic freedom, as we know that the State's active intervention with its apparatus's intervention and active movement makes academic freedom unfulfilled. It is a serious problem and a threat to the democracy built by a country. Academics who are public intellectuals and work for humanity face serious threats and threaten academic freedom, not the least of which is closely related to the interests of the political-economic elite, which are the background to the attack ([Bilgrami & Cole, 2015](#)).

Academic freedom for Ronald Dworkin in his writing entitled "We Need a New Interpretation of Academic Freedom" ([Dworkin, 1996](#)). Explaining academic freedom forms independence for academic people who uphold ideal values and respect for individuals. The same thing was also expressed by William G. Tierney who stated that "...academic freedom is necessary to ensure the free search for an objective truth, that search being the common good of the academic community" ([Tierney, 1993](#)), the close relationship with the progress of



democracy is very determined by the development of the protection of academic freedom itself, where academic people with a scientific approach can control government policies on the one hand, and protect the basic rights of citizens on the other hand with the expert approach they have

In his article entitled "The Social Significance of Academic Freedom, " John Dewey." ([Fischer, 1977](#)) Assesses the importance of academic freedom in the context of educating society, "academic freedom for teachers and students is essential for the creation of intelligent citizens and the support of democracy..." So that a very important function of academic freedom is maintained ([Piff et al., 2018](#)), not only to educate the civitas ([Ergin et al., 2019](#)) but strengthen democracy and society ([Steinert et al., 2019](#); [Malhotra et al., 2023](#)).

For Edward J. Carvalho & David B. Downing, the development of academic freedom in the modern era is a sign that there is a moral obligation between the State and universities to maintain democratic values because the position of Higher Education is to guard against criticism of government policies and is the key in resolution of various political conflicts. Through this strategic position, various disciplinary efforts against academic freedoms need to be kept independent ([Carvalho & Downing, 2010](#)).

As part of human rights, academic freedom can be fulfilled if it fulfills three aspects; Jogchum Vrieling and his research team from the League of European Research Universities ([Vrieling et al., 2011](#)) group them as follows

- a) Freedom of teaching, where academics (both lecturers/researchers and students) in the academic community are free to learn and teach, carry out research and obtain information, express themselves, including research publications, and free to have a professional career outside of their obligations as academics. So academic work can be used for scientific development.
- b) Both in the collective scope and Departments/Study Programs, Faculties and Universities are autonomous institutions, both internally and externally, in supporting academic steps to fulfill their rights and obligations to maintain the principles of academic freedom. So that, alignment with humanity is the key for higher education institutions that are in harmony with the basic goals of academic freedom
- c) Public authorities must respect and protect academic freedom with various measures to ensure the effective enjoyment of it and its rights. The use of unreasonable means of repression and prosecution of the law must be avoided. In addition, public authorities have a moral obligation outlined in the legal principles that work in society to ensure that academic freedom is truly realized.

The role of intellectuals in their work on public activities ([Mensah, 2019](#)), including their alignment with the principles of universal human rights, the environment, and anti-corruption ([Suissa & Sullivan, 2021](#)), are intellectuals who need to be protected in an academic freedom instrument ([Kratou & Laakso, 2022](#)). Threat for various kinds of academic activities violates the law and human rights.

Actors, both state and non-state actors, are morally obligated to protect academic freedom by community members, not to attack and repress academic freedom by violating the law and human rights ([Ryan, 2016](#)). Identifying patterns and attacks on academic freedom will be an important lesson so that the State can make effective legal and human rights policies to protect academic freedom.

Commercializing higher education is a serious problem and a threat to academic freedom. Because campuses only focus on getting students and making financial gains,



rankings and international cooperation between universities result in universities looking down on academic freedom and even carrying out various threats and attacks. The campus is very focused on liberalization and internationalization efforts, at the same time the campus does not care about how academic freedom protects academic people, it is what Eva Pils & Marina Svensson call erosion college autonomy ([Pils & Svensson, 2019](#)).

Furthermore, the practice of academic freedom is experiencing extraordinary threats in various countries in the world. Free to Think 2019 research released by Scholars at Risk regarding academic freedom from September 2018-August 2019 shows the fact that there were 324 cases of attacks on academic freedom in tertiary institutions ([Scholars at Risk, 2019](#)), which occurred in 56 countries around the world ([O'Malley, 2019](#)).

In several cases, such as in India, political tension is increasing due ([Sawhney et al., 2019](#)) to violence perpetrated by security forces against demonstrators (students and academics) ([Anand & Niaz, 2023](#)) who criticize government policies ([Cháirez-Garza et al., 2022](#)). Violence at several levels, academics, and students, also occurred in Sudan. Then, "forced" camps occurred in China because academics were considered contrary to state ideology. Including attacks by the Brazilian government on campuses and minority groups in universities ([Scholars at Risk, 2019](#)).

Attacks on academic freedom also occurred in Turkey; many academics were killed, persecuted, and banned from traveling abroad, especially for academic groups who opposed Government policies under Raci Tayyip Erdogan ([Human Rights Watch, 2018](#)).

In addition, various kinds of cases and attacks on academic freedom that occur in various countries in the world whose situation is increasingly worrying, whether carried out through authoritarian government operations and supported by the movement of non-state gangster groups (privatized gangsterism), this is a challenge in a situation of academic freedom ([Human Rights Watch, 2018](#)).

Attacks on academic freedom in Indonesia having a simillary pattern with as India, Turkey, Sudan, or China in terms of academic freedom violations and facing the same situation. Various kinds of attacks on academic freedom around the world to academics ([Flensner & Lippe, 2019](#)), both in the form of murder, violence and enforced disappearance ([Ndlovu-Gatsheni, 2020](#)), prosecution outside the legal process, loss of position (dismissal/non-job for lecturers/researchers, and dropout for students) ([Wit & Altbach, 2021](#)), restrictions and prohibitions traveling abroad. It includes acts of violence and militarism, accompanied by the persecution that causes loss of life, physical and psychological becomes a very serious problem. Mainstreaming legal and human rights approaches is an urgent matter ([Bernasconi, 2021](#)) to be implemented in the framework ([Watts, 2021](#)) of protecting academic freedoms universally ([French, 2019](#)).

3.2. Patterns and Attacks on academic freedom

Academic freedom The Lokataru Survey in 2019 shows that actions to weaken academic freedom in Indonesia are carried out by various parties. Most perpetrators were campus officials (rectorate) in 22 cases and lecturers/student organizations in 2 cases. Apart from the campus, the second most perpetrators were mass organizations (17 cases), followed by the police/Indonesian National Military (9 cases), neighborhood/hamlet and residents (4 cases), and ministries (3 cases). Models of pressure/restriction of academic freedom based on the type of action, namely: (1) repression against Higher Education institutions that occurs in the form of issuance of regulations; (2) repression against the implementation of academic activities and freedom of expression; (3) repression against students, both those who are



active in student organization board (BEM) and student Press Institute (LPM); and (4) other repressions that reduce the function of higher education institutions ([Lokataru, 2019](#)).

Rosnida Sari, a former lecturer at UIN Ar-Raniry Banda Aceh, for example, was deemed to have carried out "wild teachings" and was given sanctions in the form of a teaching ban and academic discrimination by her university (Ar-Raniry State Islamic University, Banda Aceh), for bringing her students to teach at Church to hear a priest explain gender-relations in Christianity. A similar case also happened for Dr. Citra Aryandari, a lecturer at the Yogyakarta Art Institute (ISI). Until now, Citra has not had the opportunity to devote herself to teaching, so she is also more active in research due to the marginalization of her position and the opportunity to develop her career ([Wiratraman, 2018](#)).

Attacks on academic freedom also occur in academics ([Onyango, 2021](#)) who advocate for anti-corruption issues ([Hillman & Baydoun, 2019](#)) and bureaucratic transparency ([Chen, 2019](#)). Saiful Mahdi experienced this case, Lecturer at the Faculty of Mathematics and Natural Sciences at Syah Kuala University, Aceh, which is a bad precedent for academic freedom in fighting for truth values that rely on evidence and academic ethics. Responsible. One of his words in the WhatsApp group which later became the object of this case, was the sentence, "...Evidence of technical determinism is very easy to corrupt.....". Dr. Saiful Mahdi wants to open Pandora's box, which no one has ever opened with scientific evidence ([Putusan a.n Terdakwa Saiful Mahdi, 2020](#)).

His background, experience, and methodology in the field of statistics are sufficient to justify that corrupt practices have occurred in the acceptance of Prospective Lecturers at the Unsyiah Faculty of Engineering. The presence of academics like Dr. Saiful Mahdi needs to be appreciated and protected for his existence as an anti-corruption survivor ([Wicaksana Prakasa, 2019](#)), where; his status and existence are very important to reveal the occurrence of processes that are unfair and tend to be corrupt ([Moene & Søreide, 2016](#)), in the recruitment process for Prospective FT Unsyiah Lecturers.

The cases found patterns of threats and attacks on academic freedom, even using legal instruments to suppress criticism and reveal scientific truths. It confirms that awareness of academic freedom should be built by all parties, especially for the tertiary institution as an intellectual incubation and reproducing the truth that academics carry out.

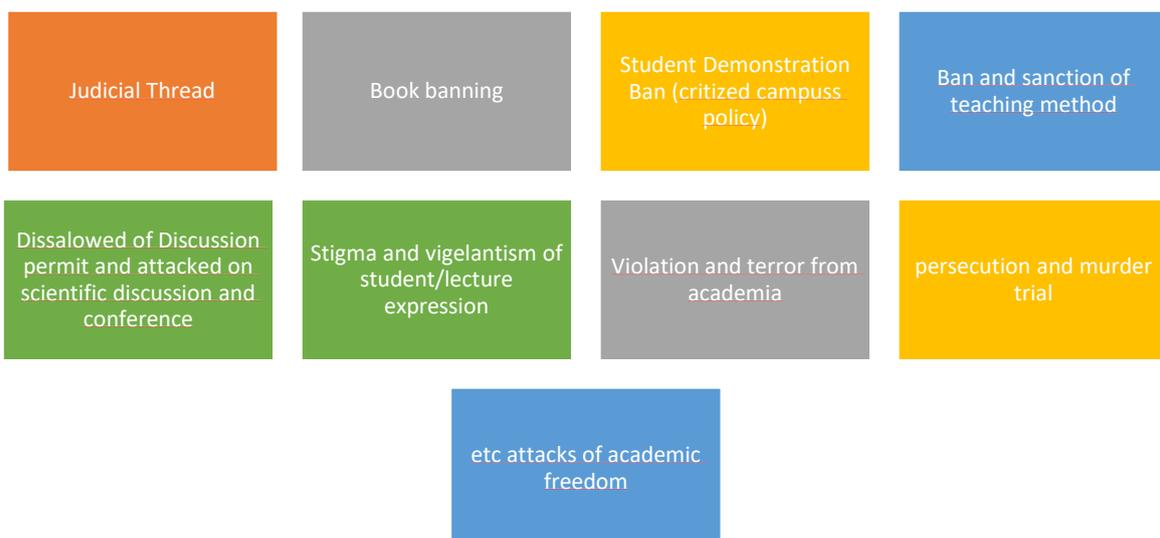


Image 1. Patterns and attacks on academic freedom in Indonesia ([Prakasa, 2020](#))



Various threats and attacks on academic freedom (Byrne, 2004) are increasingly steep and worrying ([Ulven & Wangen, 2021](#)), both attacks and threats such as: the use of deviant justice to repress academics ([Oswin, 2020](#)), banning followed by sweeping of left books, banning or sanctions on teaching methods ([Cremer et al., 2022](#)), forced disbandment of scientific discussions/forums both by campuses and by law enforcement officials and even groups of thugs, Stigmatization which was followed by violence against lecturers and students, the dissolution and banning of the Student Press Institute (*Lembaga Pers Mahasiswa-LPM*).

In addition, threats of violence and terror have even been followed by attempts to torture academics who criticize corrupt government policies, such as during the #Reformasidikorupsi case, which has become a very worrying issue in the situation of academic freedom in Indonesia. The weakening of the Indonesian Corruption Eradication Commission (Komisi Pemberantasan Korupsi, KPK) illustrates how even trusted democratic institutions equipped with extraordinary powers and capacities are vulnerable to vested interests. Not only have Indonesian civil society activists failed to defend the KPK ([Mudhoffir, 2023](#)).

3.3. Academic Freedom Testing Mechanism

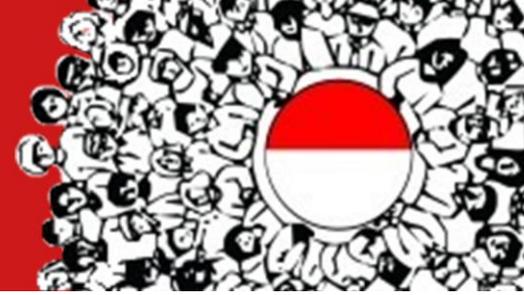
The American Association of University Professors (AAUP) agreed on a declaration known as the "1940 Statement of Principles on Academic Freedom and Tenure" ([Vials, 2016](#)). AAUP realizes that a shared commitment to protect academic freedom is a right that needs to be maintained as professional ethics ([Moshman, 2017](#)), both in the process of research and learning without discrimination ([Taylor et al., 2022](#)), which must be respected and protected by various rights and freedoms ([Mauer, 2023](#)), both by the State and by academics themselves so that in the academic world they can always be protected independence ([Aby & Kuhn, 2000](#)).

Magna Charta Universitatum declared at the University of Bologna in 1988 became the basic principle in upholding academic freedom "The University is an autonomous institution at the heart of societies differently organized..... It produces, examines, appraises, and hand down culture by research and teaching"

Various academic activities carried out by civitas have roles and insights that are not only for the present ([Wit & Altbach, 2021](#)) but also for the future ([Pradana et al., 2020](#)). Of course, the intellectual classification in question is a group of public intellectuals who favour the interests of human rights and environmental sustainability and have an anti-corruption spirit. It will never materialize if universities and their community are repressed and threatened. Thus, the principle of academic freedom must be based on scientific values and cannot be dwarfed by the subjective approach of authority (the State, certain community groups, and even the university leaders themselves) ([Karran, 2009](#)).

Referring to international human rights law regulations, the "heart" of academic freedom is the embodiment of freedom of expression, which is regulated in Article 19 (2) of the Civil and Political Rights Covenant (International Convention on Civil and Political Rights/ICCPR) related to freedom of expression, which is stated as follows :

(2). Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or print, in the form of art, or through any other media of his choice.



Then, when referring to General Comment Number 10 of the ICCPR Covenant (General Comment No. 10: Freedom of expression (Art. 19): 29/06/1983), it explains that freedom of expression, including the freedom to obtain, seek and receive information, is part of freedom of expression. The State must ensure that every citizen can enjoy these rights without discrimination and can be implemented responsibly ([Barendt, 2010](#)).

That is, restrictions made by the State must be stipulated by law that is impartial, the purpose of which is within the scope of maintaining a healthy democracy and public order, not contradicting public health, state security, public morals, public safety, and not harming the rights and freedoms of fellow citizens. This matter is regulated in the Siracusa Principles concerning Provisions for Limiting and Reducing Human Rights in the International Covenant on Civil and Political Rights (Annex, UN Doc E / CN.4 / 1984/4 (1984).

Also related to the fulfillment of the right to education, based on Article 13 of the ECOSOB Covenant (International Convention on Economy, Social, and Culture Rights / ICESCR), which states that: Members of the academic community, both individually and collectively, are free to pursue, develop and disseminate knowledge and ideas, through research, teaching, study, discussion, documentation, production, creation or writing. Academic freedom includes the freedom of individuals to express opinions freely about the institution or system in which they work, to fulfill their functions without discrimination or fear of repression by the State or other actors, to participate in professional academic bodies or their representation, and to enjoy all human rights granted universally recognized.

The 13th General Comment on the ECOSOB Covenant (General Comment No. 13: The right to education (article 13) (1999) (Adopted by the Committee on Economic, Social and Cultural Rights at the Twenty-first Session, E/C.12/1999/10, 8 December 1999), stated that all academic communities have the right to enjoy the development of scientific activities, free teaching, research, and various kinds of activities in order to maintain academic freedom. The State must protect and fulfill academic freedoms, which are inseparable and closely interrelated ([Prakasa, 2018](#)).

When using the approach used by Katarina Tomasevski, who is a special reporter for the UN ECOSOB Commission, has a concept for measuring the fulfillment of ECOSOB rights, namely 4-A, namely: availability, accessibility, acceptability, adaptability ([Tomaševski, 2001](#)). Thus, even though state authorities cannot act arbitrarily to separate academic freedom and its relation to the right to education, if neglect occurs, the State can be categorized as violating the human rights of citizens.

Indonesia has ratified these two key international regulations in Law Number 11 of 2005 and Law Number 12 of 2005. So that the impact of the ratification does not only stop at legislation ([Agusman, 2017](#)) but also reaches the implementation stage. and protection of academic freedom in Indonesia. In order to implement human rights policies related to academic freedom in Indonesia, therefore, the National Human Rights Commission made Standard Norms and Regulations Number 5 concerning the Right to Freedom of Opinion and Expression which further elaborates on the implementation of international human rights law mechanisms governing academic freedom in Indonesia ([Evanty, 2020](#)).

3.5. National Legal Regulations Related to Academic Freedom

In the constitution, the 1945 Constitution, the fundamental basis for academic freedom is regulated in Article 28C, Article 28E, and Article 28F, which respectively regulate the basic right to get a proper education, freedom to believe and express thoughts, and to communicate and obtain information and convey information using various types of channels available. Academic freedom has a deep meaning that the State intends the guarantee in the



constitution for academics to carry out scientific functions without being interfered with by power and freedom to carry out learning, teaching, research, and express opinions with scientific activities carried out ([MD, 1997](#)).

In Law Number 12 of 2012 concerning Higher Education, academic freedom, freedom of academic expression, and scientific autonomy are regulated in Article 8 paragraph (1), Article 9, Article 13, and Article 54 paragraph (3), which in principle guarantees academic freedom which must be maintained whether lecturers or students express it in every activity included in academic activities, including about national higher education standards developed with attention to academic freedom, freedom of academic forums and scientific autonomy.

The next conceptual formulation that needs to be considered related to academic freedom is outlined in the Surabaya Principles on Academic Freedom (SPAF) 2017, which explains: (1). Academic freedom is the freedom that is fundamental in the framework of developing academic institutional autonomy; (2). Academics, those who carry out activities in the academic realm, have complete freedom in developing community service, education, research, and publishing their results following scientific principles; (3). Academics who work as teachers in the world of education have the freedom in class to discuss subjects by considering scientific competence and respect for human values; (4). Academics must be free from restrictions and discipline in order to develop an academic culture that is responsible and has scientific integrity for humanity; (5). Public authorities must respect, protect, and ensure measures to guarantee academic freedom ([Arrsa et al., 2022](#)).

These various kinds of national legal regulations serve as good guidelines for academics in tertiary institutions, to the State and all Indonesian people to respect, protect and fulfill academic freedom as the basis of human rights law in Indonesia. Effective steps and implementation must be taken to ensure academic freedom can be fulfilled in Indonesia.

3.6. Strategies for Formulating Ideal Academic Freedom

The formulation of strategic steps so that academic freedom is mainstreamed in order to maintain higher education autonomy and ensure that its practice is in line with legal and human rights principles, the strategic steps in realizing ideal academic freedom, this is important as an effort to overcome violations of academic freedom in Indonesia, by making this principle as a basis, efforts to maintain and maintain academic freedom will become stronger in the future ([Martin, 2017](#)), some strategies prepared include:

Banned International Cooperation for Universities that do not comply with the Principles of Academic Freedom in Indonesia: This will be very effective, considering that various tertiary institutions are pursuing World Class Universities. Thus, university leaders need to ensure that academic freedom can become a culture that is strengthened in their institutions. Universities with an international reputation can make academic freedom standards the main requirement that must be included before carrying out international cooperation.

Building an Integrated System for Academic Freedom as an Important Element of Higher Education Ranking in Indonesia: the current ranking system rarely includes an element of compliance with academic freedom. Moreover, the liberalization of education requires that tertiary institutions pursue a superior accreditation system in the scope of international and national accreditation. Therefore, an integrated system is very effective in ensuring that academic freedom can be realized

Formulate an implementable Internal Code of Ethics for Higher Education in Supporting Academic Freedom, accompanied by serious oversight in practice. This internal



regulation can be realized when there is a strong commitment from universities so that the nature of making an internal code of ethics regarding academic freedom grows universities. Then the State can ensure this in regulations regulated by the Indonesian Ministry of Education and Culture.

Mechanism of Legal Protection and Recovery for Victims of Academic Freedom Violations in Indonesia: There needs to be special regulation regarding academic freedom, including legal protection and restoration of rights for academics it's important to protect academia from various attacks and terror violations of academic freedom, even though there is a Witness and Victim Protection Agency (*Lembaga Perlindungan Saksi-Korban-LPSK*), but their existence has not been effective in protecting academics from the terror they have experienced.

The National Commission on Human Rights (*Komisi Nasional Hak Asasi Manusia-Komnas HAM*) Investigation Model for academic freedom cases: recognize related cases of attacks on academic, as well as authorize Komnas HAM to pro-actively conduct investigations into alleged violations of academic freedom, so that the practice of impunity for perpetrators of violations of academic freedom can be abolished

Finally, the judicial mechanism in Imposing Sanctions for Violators of Academic Freedom: judicial steps are indeed the last resort (*ultimum remedium*). However, they can be the most solutive way so that the deterrent effect for violators of academic freedom gets effective and commensurate sanctions by prioritizing the principle of due process of law.

4. Conclusion

Various models of threats and attacks on academic freedom, such as: the use of the judiciary to repress academics, banning and followed by sweeping of left books, prohibition or sanctions on teaching methods, forced dissolution of scientific discussions/forums both by campuses and by law enforcement officials and even groups of thugs, Stigmatization which was followed by violence against lecturers and students, as well as threats of violence and terror and even followed by attempts of persecution became a very worrying problem in the situation of academic freedom in Indonesia.

Equally important, there is a need for a human rights legal system related to academic freedom that is institutionalized, strong, and binding so that it becomes a code of conduct for exercising academic freedom in Indonesia. Moreover, awareness for mainstreaming academic freedom as the basic activity of higher education academics in Indonesia is the main value that is always striving for, so the position of higher education as a bastion of knowledge needs to be maintained.

Acknowledgment

Thank you so much for the civitas of University of Muhammadiyah Surabaya who will support to finished this research. Special thanks for Board members of Indonesian Caucus on Academic Freedom (KIKA) to give opportunity to involve for work and research about academic freedom in Indonesian.

References

Aby, S. H., & Kuhn, J. C. (2000). *Academic Freedom: A Guide to the Literature*.



- Greenwood Press.
- Adiprasetyo, J. (2020). Under the shadow of the state: Media framing of attacks on west papuan students on Indonesian online media. *Pacific Journalism Review*, 26(2). <https://doi.org/https://doi.org/10.24135/pjr.v26i2.1124>
- Agusman, D. D. (2017). *Hukum perjanjian internasional: kajian teori dan praktik Indonesia*. Refika Aditama.
- Amnesty International. (2022). *Amnesty International Report 2022/23 The State of the World's Human Rights*. <https://www.amnesty.org/en/wp-content/uploads/2023/03/WEBPOL1056702023ENGLISH.pdf>
- Anand, K., & Niaz, L. (2023). The Precarious State of Academic Freedom in Higher Education: The Case of India and Pakistan. *Research in the Social Scientific Study of Religion*, 32. https://doi.org/https://doi.org/10.1163/9789004505315_016
- Arrsa, R. C., Listiningrum, P., & Siswanto, A. S. (2022). Urgency of Online Petition to guarantee the Freedom of Speech and Participate Rights in Government. *Human Rights in the Global South (HRGS)*, 1(1), 35-47. <https://doi.org/10.56784/hrgs.viii.5>
- Barendt, E. (2010). *Academic Freedom and the Law: A Comparative Study*. Hart Publishing Ltd.
- Bernasconi, A. (2021). University autonomy and academic freedom: Contrasting Latin American and U.S. perspectives. *Higher Education Governance and Policy*, 2(1). <https://dergipark.o>
- Bilgrami, A., & Cole, J. R. (2015). *Who is Afraid of Academic Freedom*. Columbia University Press.
- Burke, D. D., & Sanney, K. J. (2018). Applying the Fraud Triangle to Higher Education: Ethical Implications. *Journal of Legal Studies Education*, 35(1). <https://doi.org/https://doi.org/10.1111/jlse.12068>
- Burke, M. J., & Stephens, J. C. (2018). Political power and renewable energy futures: A critical review. *Energy Research and Social Science*, 35. <https://doi.org/https://doi.org/10.1016/j.erSS.2017.10.018>
- Byrne, J.P. (2004). The Threat to Constitutional Academic Freedom. *Journal of College and University Law*, 31(1). <https://core.ac.uk/download/pdf/70375566.pdf>
- Carvalho, E. J., & Downing, D. B. (2010). *Academic Freedom in the Post-9/11 Era*.
- Cháirez-Garza, J. F., Gergan, M. D., Ranganathan, M., & Vasudevan, P. (2022). Introduction to the special issue: Rethinking difference in India through racialization. *Ethnic and Racial Studies*, 45(2). <https://doi.org/https://doi.org/10.1080/01419870.2021.1977368>
- Chen, K. (2019). How bad corruption is around the world? *International Politics Reviews*, 7. <https://doi.org/https://doi.org/10.1057/s41312-019-00070-w>
- CNN Indonesia. (2020). *Teror dan Pembatalan Diskusi Mahasiswa Hukum UGM*.



- <https://www.cnnindonesia.com/Nasional/20200530112959-20-508203/Kronologi-Terror-Dan-Pembatalan-Diskusi-Mahasiswa-Hukum-Ugm>.
- Cremer, F., Sheehan, B., Fortmann, M., Kia, A. N., Mullins, M., Murphy, F., & Materne, S. (2022). Cyber risk and cybersecurity: a systematic review of data availability. *Geneva Papers on Risk and Insurance: Issues and Practice*, 47(3). <https://doi.org/https://doi.org/10.1057/s41288-022-00266-6>
- Dworkin, R. (1996). We need a new interpretation of academic freedom. *Academe*, 82(3). <https://doi.org/https://doi.org/10.2307/40251473>
- Ergin, H., Wit, H. de, & Leask, B. (2019). Forced Internationalization of Higher Education: An Emerging Phenomenon. *International Higher Education*, 97. <https://doi.org/https://doi.org/10.6017/ihe.2019.97.10939>
- Evanty, N. (2020). Komnas HAM: Discrepancies Between its Mandate and the Indonesian Constitutional Framework. *National Human Rights Institutions in Southeast Asia: Selected Case Studies*, 141–162.
- Ferber, A. L. (2018). “Are You Willing to Die for This Work?” Public Targeted Online Harassment in Higher Education: SWS Presidential Address. *Gender and Society*, 32(3). <https://doi.org/https://doi.org/10.1177/0891243218766831>
- Fischer, L. (1977). Academic Freedom and John Dewey. *The High School Journal*. <https://doi.org/Http://Www.Jstor.Org/Stable/40365472>, 379–386
- Flensner, K. K., & Lippe, M. Von der. (2019). Being safe from what and safe for whom? A critical discussion of the conceptual metaphor of ‘safe space.’ *Intercultural Education*, 30(3). <https://doi.org/https://doi.org/10.1080/14675986.2019.1540102>
- French, R. (2019). *Report of the Independent Review of freedom of speech in Australian higher education providers*.
- Hillman, J. R., & Baydoun, E. (2019). Quality Assurance and Relevance in Academia: A Review. *Major Challenges Facing Higher Education in the Arab World: Quality Assurance and Relevance*. https://doi.org/https://doi.org/10.1007/978-3-030-03774-1_2
- Human Rights Watch. (2018). Turkey: Government Targeting Academics. *Hrw.Org*. <https://www.hrw.org/News/2018/05/14/Turkey-Government-Targeting-Academics>
- Karran, T. (2009). Academic freedom in Europe: Time for a Magna Charta? *Higher Education Policy*, 22(2). <https://doi.org/10.1057/hep.2009.2>
- King, T. C., Aggarwal, N., Taddeo, M., & Floridi, L. (2020). Artificial Intelligence Crime: An Interdisciplinary Analysis of Foreseeable Threats and Solutions. *Science and Engineering Ethics*, 26(1). <https://doi.org/https://doi.org/10.1007/s11948-018-00081-0>
- Kratou, H., & Laakso, L. (2022). The Impact of Academic Freedom on Democracy in



- Africa. *Journal of Development Studies*, 58(4).
<https://doi.org/https://doi.org/10.1080/00220388.2021.1988080>
- Latif, Y. (2012). *Intelegensia Muslim dan Kuasa: Genealogi Intelegensia Muslim Indonesia Abad Ke-20*. Yayasan Abad Demokrasi.
- Lokataru. (2019). *Diberangus di Kampus*. Lokataru Foundation.
- Malhotra, R., Massoudi, M., & Jindal, R. (2023). An alumni-based collaborative model to strengthen academia and industry partnership: The current challenges and strengths. *Education and Information Technologies*, 28(2).
<https://doi.org/https://doi.org/10.1007/s10639-022-11276-1>
- Martin, B. (2017). Defending university integrity. *International Journal for Educational Integrity*, 13.
- Mauer, M. (2023). Protecting Academic Freedom Through Collective Bargaining: An AAUP Perspective. *Journal of Collective Bargaining in the Academy*, 14(1).
<https://doi.org/10.58188/1941-8043.1884>
- MD, M. M. (1997). Perspektif Politik dan Hukum Tentang Kebebasan Akademik dan Kritik Sosial. *Unisia*, 17(32).
<https://doi.org/https://doi.org/10.20885/unisia.vol17.iss32.art4>
- Mensah, J. (2019). Sustainable development: Meaning, history, principles, pillars, and implications for human action: Literature review. *Cogent Social Sciences*, 5(1).
<https://doi.org/https://doi.org/10.1080/23311886.2019.1653531>
- Moene, K., & Sørdeide, T. (2016). Corruption control. *Crime, Law and Social Change*, 147-163.
- Moshman, D. (2017). Academic Freedom as the Freedom to do Academic Work. *AAUP Journal of Academic Freedom*, 8.
- Mudhoffir, A. M. (2023). The limits of civil society activism in Indonesia: the case of the weakening of the KPK. *Critical Asian Studies*, 55(1).
- Muktiono. (2022). Indonesian Blasphemy Law as Legal Forum for Renegotiating Indonesian Secularity. *Human Rights in the Global South (HRGS)*, 1(1), 48-69.
<https://doi.org/10.56784/hrgs.viii.1>
- Mulcahy, L., & Cahill-O'callaghan, R. (2021). Introduction: socio-legal methodologies. *Journal of Law and Society*, 48(S1).
<https://doi.org/https://doi.org/10.1111/jols.12336>
- Ndlovu-Gatsheni, S. (2020). The Dynamics Of Epistemological Decolonisation In The 21st Century: Towards Epistemic Freedom. *The Strategic Review for Southern Africa*, 40(1). <https://doi.org/https://doi.org/10.35293/srsa.v40i1.268>
- Norris, P. (2020). Closed Minds? Is a 'Cancel Culture' Stifling Academic Freedom and Intellectual Debate in Political Science? *Cambridge: HKS Working Paper No. RWP20-025, Kenedy School Harvard University*.



- O'Malley, B. (2019). *32 deaths in hundreds of violent attacks on HE globally*. University World News. <https://www.universityworldnews.com/post.php?story=20191122065228133>
- Onyango, G. (2021). Whistleblower protection in developing countries: a review of challenges and prospects. *SN Business & Economics*, 1(12). <https://doi.org/https://doi.org/10.1007/s43546-021-00169-z>
- Oswin, N. (2020). An other geography. *Dialogues in Human Geography*, 10(1), 9–18. <https://doi.org/10.1177/2043820619890433>
- Piff, P. K., Kraus, M. W., & Keltner, D. (2018). *Unpacking the Inequality Paradox: The Psychological Roots of Inequality and Social Class* (J. M. Olson (ed.); Vol. 57, pp. 53–124). Academic Press. <https://doi.org/https://doi.org/10.1016/bs.aesp.2017.10.002>
- Pils, E., & Svensson, M. (2019). *Academic freedom is under threat around the world – here's how to defend it*. Theconversation.Com. <https://theconversation.com/Academic-Freedom-Is-under-Threat-around-the-World-Heres-How-to-Defend-It-118220>
- Pradana, D. A., Mahfud, M., Hermawan, C., & Susanti, H. D. (2020). Nasionalism: Character Education Orientation in Learning Development. *Budapest International Research and Critics Institute (BIRCI-Journal): Humanities and Social Sciences*, 3(4), 4026–4034. <https://doi.org/10.33258/birci.v3i4.1501>
- Prakasa, S. U. W. (2018). Bantuan Dana Bank Dunia Dalam Perspektif Pemenuhan Hak-hak Ekosob: Studi Kasus Pada Sektor Pendidikan di Indonesia. *Ajudikasi : Jurnal Ilmu Hukum*, 2(2), 151. <https://doi.org/10.30656/ajudikasi.v2i2.692>
- Prakasa, S. U. W. (2020). *Menguji Kebebasan Akademik di Indonesia "Konferensi Online Hak Asasi Manusia, Kebudayaan dan Tujuan Pembangunan Berkelanjutan Indonesia pada Masa Pandemi Covid-19: Tantangan Untuk Keilmuan Hukum dan Sosial*.
- Putusan a.n Terdakwa Saiful Mahdi, (2020).
- Roos, M., & Hoffart, F. M. (2020). Climate Change and Responsibility. *Climate Economics*. https://doi.org/https://doi.org/10.1007/978-3-030-48423-1_6
- Ryan, A. (2016). Academic Freedom and the “Truth Function.” In *In Why Academic Freedom Matters: A response to current challenges* (pp. 49–64). Civitas.
- Sawhney, S., Kumar, K., & Gupta, A. (2019). Adopting strategic management in higher education in India: Need, challenges and ideas. *International Journal of Management Practice*, 12(2), 246–260. <https://doi.org/10.1504/IJMP.2019.098653>
- Scholars at Risk. (2019). *Report of the Scholars at Risk Academic Freedom Monitoring Project*.
- Setzer, J., & Vanhala, L. C. (2019). Climate change litigation: A review of research on



- courts and litigants in climate governance. *Wiley Interdisciplinary Reviews: Climate Change*, 10(3). <https://doi.org/https://doi.org/10.1002/wcc.580>
- Steinert, Y., O'Sullivan, P. S., & Irby, D. M. (2019). Strengthening Teachers' Professional Identities Through Faculty Development. *Academic Medicine*, 94(7). https://journals.lww.com/academicmedicine/Fulltext/2019/07000/Strengthening_Teachers__Professional_Identities.26.aspx
- Suissa, J., & Sullivan, A. (2021). The Gender Wars, Academic Freedom and Education. *Journal of Philosophy of Education*, 55(1), 55–82. <https://doi.org/10.1111/1467-9752.12549>
- Tamanaha, B. Z. (1997). *Realistic Socio-Legal Theory: Pragmatism and a Social Theory of Law*. Oxford University Press UK.
- Taylor, Z. W., Somers, P., & Childs, J. (2022). Research , Teaching , Both , or Neither : How GoKAR! Redefines Academic Freedom in a Post-truth Society. *AAUP Journal of Academic Freedom*, 13(November).
- Tempo.co. (2019). *Kaukus Kebebasan Akademik: Kampus Belum Terbebas dari Represi*. <https://nasional.tempo.co/Read/1289428/Kaukus-Kebebasan-Akademik-Kampus-Belum-Terbebas-Dari-Represi>
- Tempo.co. (2020). *UI Tuding Pembicara Diskusi BEM UI soal Papua Tidak Layak*. <https://nasional.tempo.co/Read/1350690/Ui-Tuding-Pembicara-Diskusi-Bem-Ui-Soal-Papua-Tidak-Layak/Full&view=ok>
- The Conversation. (2022). *Data Bicara: setidaknya 64 dosen, mahasiswa, dan individu lain jadi korban pelanggaran kebebasan akademik selama 2019-2022*. Theconversation.Id.
- Tierney, W. (1993). Academic Freedom and the Parameters of Knowledge. *Harvard Educational Review*, 63(2), 143–161. <https://doi.org/10.17763/haer.63.2.5625h5mno362hmoo>
- Tomaševski, K. (2001). *Right to education primers no. 3*. Novum Grafiska AB.
- Ulum, B. (2022). Equality Value in the Systems of the Democracy of the Tribal People of Baduy. *Human Rights in the Global South (HRGS)*, 1(1), 70–85. <https://doi.org/10.56784/hrgs.viii.7>
- Ulven, J. B., & Wangen, G. (2021). A Systematic Review of Cybersecurity Risks in Higher Education. In *Future Internet* (Vol. 13, Issue 2). <https://doi.org/10.3390/fi13020039>
- Vials, C. R. (2016). The American Association of University Professors (AAUP) and the Contradictions of Academic Freedom. *Journal of Asian American Studies*, 19(1). <https://doi.org/https://doi.org/10.1353/jaas.2016.0009>
- Vrieling, J., Lemmens, P., & Parmentier, S. (2011). Academic Freedom as a Fundamental Right. *Procedia - Social and Behavioral Sciences*, 13, 117–141.



- <https://doi.org/https://doi.org/10.1016/j.sbspro.2011.03.009>
- Watts, R. (2021). What crisis of academic freedom?: Australian universities after French. *Australian Universities' Review*, 63(1), 8–18. <http://www.aur.org.au/article/What-crisis-of-academic-freedom%3F-Australian-universities-after-French-%28AUR-63-01%29-22712>
- Wicaksana Prakasa, S. U. (2019). Anti-Corruption Survivor, Academic Freedom, and the Challenges. *Petita: Jurnal Kajian Ilmu Hukum Dan Syariah*, 4(2). <https://doi.org/10.22373/petita.v4i2.22>
- Wiratraman, H. P. (2018). Kebebasan Akademik, Neo-Feodalisme dan Penindasan HAM dalam buku. In *Hak Asasi Manusia: Politik, Hukum, dan Agama di Indonesia* (pp. 53–54). CHRMs.
- Wiratraman, H. P., & Putro, W. D. (2019). Tantangan Metode Penelitian Interdisipliner Dalam Pendidikan Hukum Indonesia. *Jurnal Mimbar Hukum*, 31(3), 402–418.
- Wit, H. de, & Altbach, P. G. (2021). Internationalization in higher education: global trends and recommendations for its future. *Policy Reviews in Higher Education*, 5(1). <https://doi.org/https://doi.org/10.1080/23322969.2020.1820898>