

IMPLEMENTATION OF ACADEMIC FREEDOM POLICY IN LAW NUMBER 12 OF 2012 ON HIGHER EDUCATION

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Abstract

Academic freedom is an essential part of human rights, manifested in the freedom of thought and expression in the context of higher education. Law No. 12 of 2012 on Higher Education explicitly regulates academic freedom as a right and obligation of the academic community in carrying out the three pillars of higher education. This study aims to examine how academic freedom policies are implemented in higher education institutions, particularly in the conduct of research, teaching, and academic freedom of speech, as well as the challenges faced during the implementation of these policies. The method used is juridical-normative with a qualitative approach through a study of relevant laws, policy documents, and academic literature. The results of the study indicate that academic freedom must be protected and facilitated by higher education leaders so that the academic community can develop knowledge responsibly in accordance with legal norms and academic ethics. However, there are various restrictions and challenges in practice that need attention to strengthen the implementation of academic freedom policies in the future.

Keywords: Academic Freedom, Policy Implementation, Law Number 12 of 2012, Higher Education, Tridharma Perguruan Tinggi (Three Pillars of Higher Education), Academic Freedom of Speech.

Introduction

Academic freedom is a fundamental pillar in the development of science and higher education. As part of human rights, academic freedom provides space for academics to think, discuss, and express ideas without irrational pressure or restrictions. This is very important for maintaining intellectual independence, which in turn encourages innovation and scientific progress in higher education institutions (Lina Marlina, 2012).

Indonesia, as a country that upholds the values of democracy and human rights, has accommodated academic freedom within the framework of national law. Law No. 12 of 2012 on Higher Education explicitly regulates academic freedom as one of the rights inherent to members of the academic community (Hasan Basri, 2022). Thus, academic freedom is not only an idealism, but also an obligation and responsibility that must be carried out and protected by higher education institutions.

The law places academic freedom as the foundation for carrying out the three pillars of higher education, namely education, research, and community service. This shows that academic freedom does not stand alone but is an integral part of the process of developing responsible science and technology aimed at the advancement of society at large (Kemdikbudristek, 2024).

Although academic freedom is formally regulated in national policies and regulations, its implementation in practice often faces complex challenges. Various obstacles, both internal, such as institutional culture, and external, such as political intervention and social pressure, can limit the freedom of academics to express ideas or conduct research.

These challenges require universities to develop internal policies and mechanisms that can maintain a balance between academic freedom and social responsibility. Higher education institutions must ensure that this freedom is not abused for purposes other than education and science, and uphold academic ethics and norms (Lestari Dewi, 2023). In addition, the protection of academic freedom is also the responsibility of the state, as stated in Articles 8 and 9 of Law Number 12 of 2012. The state, through higher education institutions, is obliged to provide facilities, protection and supervision so that academic freedom can be exercised in accordance with scientific principles and applicable legal norms (Rudy Tarumingkeng, 2023).

In the global context, academic freedom has become a central issue that has attracted the attention of various international organisations such as UNESCO. This international recognition strengthens the position of academic freedom as a fundamental right that must be upheld to ensure the quality of education and research.

Therefore, the implementation of academic freedom policies in Indonesia is important given its strategic role in improving the quality of human resources and national competitiveness. Through academic freedom, higher education institutions can produce graduates who are critical, innovative, and have integrity, as well as contribute knowledge that is relevant to the nation's development needs (Andi Wibowo, 2021). The importance of academic freedom in maintaining the independence of the academic community also requires the active participation of all elements of higher education institutions, including lecturers, students, and educational staff. This collective awareness is crucial social capital for strengthening an open, critical, and democratic academic culture (Rahman Hakim, 2015).

Overall, this study aims to explore the implementation of academic freedom policies in Law Number 12 of 2012 and provide recommendations to improve the protection and implementation of academic freedom in Indonesian higher education institutions. Thus, it is hoped that academic freedom can become a major driving force in creating high-quality and sustainable higher education.

Research Methodology

The research method used in this study is a legal-normative approach with qualitative analysis. This study is a library research that examines primary legal materials in the form of Law Number 12 of 2012 concerning Higher Education and secondary legal materials such as books, articles, and other relevant scientific works (Elijah & Aslan, 2025). The analysis was conducted by examining the legal norms and policies governing academic freedom and examining how these policies are implemented in higher education institutions, particularly in the context of the protection and facilitation of academic freedom by higher education leaders. This approach enables the study to understand the legal framework and practical challenges in the implementation of academic freedom in a thorough and systematic manner (Ferrari, 2020).

Results and Discussion

Legal Basis and Concept of Academic Freedom in Law No. 12 of 2012

Academic freedom is a fundamental right granted to the academic community as the basis for higher education activities. Law No. 12 of 2012 on Higher Education explicitly regulates this right as part of the implementation of the three pillars of higher education, namely education, research, and community service. This legal basis emphasises that academic freedom is an integral aspect of the development of science and technology (*Law of the Republic of Indonesia No. 12 of 2012 on Higher Education*, n.d.).

Article 5 of Law No. 12 of 2012 states that higher education institutions have the autonomy to regulate and manage the implementation of higher education, including academic freedom. This demonstrates the state's efforts to recognise and provide institutional space that allows the academic community to carry out scientific creativity and innovation without any harmful interference (Lina Marlina, 2012).

This law also regulates freedom in academic forums, namely the freedom of the academic community to express their opinions verbally or in writing in order to enrich knowledge without pressure from any party. This reinforces the concept that academic freedom must be accompanied by constructive and responsible freedom of expression in the academic realm (Hasan Basri, 2022).

Article 62 of Law No. 12 of 2012 emphasises that academic freedom is exercised with due regard to religious norms, morals, and the cultural values of the Indonesian nation. This concept places academic freedom not only as an individual right, but also one that must be in harmony with the social and cultural context that develops in society (Kemdikbudristek, 2024).

In the context of this law, academic freedom is also closely related to scientific autonomy. Higher education institutions are given the freedom to determine their curriculum, research methods, and academic policies in accordance with their respective fields of study and characteristics. This autonomy aims to create a dynamic

academic atmosphere that is responsive to global scientific developments (Lestari Dewi, 2023).

Law No. 12 of 2012 presents academic freedom as both a right and an obligation of the academic community. This means that this freedom must be exercised responsibly in order to produce high-quality scientific work that has a positive impact on society and the state (Rudy Tarumingkeng, 2023).

One of the important principles in this law is that academic freedom should not lead to abuse that could harm the public interest. This emphasises that academic freedom must be balanced with ethical norms and scientific principles as a moral foundation for conducting academic activities (Andi Wibowo, 2021). Through academic freedom, higher education institutions are expected to become open and inclusive institutions, where various opinions and ideas can develop freely and healthily. This is very important to encourage intellectual creativity and strengthen academic democracy in higher education. In addition, Law No. 12 stipulates that the implementation of academic freedom must be protected by higher education leaders and authorised state institutions.

This protection is a crucial factor in enabling the academic community to exercise their freedom without fear or intimidation that could hinder the learning and research process (Rahman Hakim, 2015). This law also requires higher education institutions to develop internal monitoring mechanisms that ensure the implementation of academic freedom remains within the bounds of law and ethics. These mechanisms are expected to prevent deviant practices and maintain overall academic integrity (Harsono, 2020). The concept of academic freedom in Law No. 12 of 2012 is not only focused on academic aspects, but also has a significant social dimension. This freedom must be able to make a real contribution to national development, cultural advancement, and the strengthening of democratic values in society. The law also recognises the importance of academic freedom as a means of criticising and monitoring public policy. Thus, the academic community acts as an agent of social change that is critical of various dynamics occurring in the national and international environment (Tuti Wulandari, 2014).

In the implementation of academic freedom, Law No. 12 of 2012 provides space for the academic community to innovate in the fields of education, research, and community service without excessive bureaucratic obstacles. This is expected to increase productivity and academic quality in line with national and international standards (Yasnita, 2024).

Overall, Law No. 12 of 2012 emphasises that academic freedom is a right that must be upheld and maintained as the main foundation in developing high-quality, dynamic higher education that is relevant to the challenges of the times. This concept is key in ensuring that universities are able to function as centres of intelligence and innovation that contribute to the progress of the nation.

Implementation of Academic Freedom Policy in Higher Education Institutions

The implementation of academic freedom policies in higher education institutions is a tangible manifestation of the recognition and protection of the rights of the academic community in the development of science, technology, and the arts. In the context of Law No. 12 of 2012 on Higher Education, academic freedom is mandated as a fundamental aspect that must be facilitated by higher education institutions through internal policies and a conducive institutional culture (Suharto, 2023).

One of the most prominent forms of academic freedom is freedom to conduct research. Research is a means of developing science and technology independently and responsibly. Higher education institutions must provide ample space for lecturers and students to conduct critical and innovative research without experiencing unreasonable intervention or restrictions (Nur Azizah, 2019). Apart from research, the implementation of academic freedom is also seen in education and teaching. Academics have the right to compile and develop curricula and learning methods in accordance with the needs of science and the demands of the times, without pressure from external parties that could hinder creativity and freedom of thought (Budi Santoso, 2021).

As part of academic freedom of speech, academics are free to express their opinions and scientific ideas in various academic forums, such as seminars, discussions, and publications. This freedom must be exercised responsibly by maintaining noble character and complying with academic norms and applicable laws (Joko Widodo, 2024).

In practice, academic freedom is not unlimited. Higher education institutions, through their leadership and internal supervisory bodies, must regulate this freedom so that it is not misused for non-academic purposes, such as the dissemination of false information, provocation, or actions that harm other parties and institutions (Yulisna, 2025). Higher education institutions have a strategic role in protecting and facilitating academic freedom.

This protection includes providing legal guarantees, research facilities, freedom in the development of scientific fields, and adequate administrative support so that the academic community can work optimally (Dewi, 2023). As an example of implementation, UIN Prof. K.H. Saifuddin Zuhri Purwokerto implements an academic freedom policy by integrating religious, cultural, and artistic sciences. This reflects the efforts of higher education institutions to provide space for their academic community to be creative within the framework of scientific norms and human rights.

On the other hand, there are still obstacles to the implementation of academic freedom in a number of higher education institutions in Indonesia. These obstacles include political pressure, budget constraints, a lack of understanding of academic freedom, and the risk of conflict with certain social and cultural values that are still conservative. In addition, excessive bureaucratic administration and ambiguity in

institutional policies are also factors that hinder the academic community from fully exercising academic freedom (Rahmat Fadhli, 2024).

Therefore, higher education governance reform is necessary to effectively support this policy. Strengthening an academic culture that values differences of opinion and constructive criticism is key to the successful implementation of academic freedom. The academic community needs to be encouraged to actively engage in open and respectful discussions, thereby creating a healthy and productive academic atmosphere. Internal monitoring mechanisms are also an important part of implementing academic freedom. Supervisory and academic ethics institutions need to exercise control so that academic freedom is not used for purposes that harm the integrity of higher education institutions and the wider community (Siti Aisyah, 2022). The law emphasises that students also have the right to academic freedom, which must be exercised responsibly.

Students are given the freedom to think critically, express opinions, and conduct research as part of the learning and self-development process (Sumarno, 2018).

In the digital era with the rapid development of information technology, the implementation of academic freedom faces new challenges, such as the spread of negative content or hoaxes that can damage academic integrity if not managed properly. Higher education institutions must adjust their policies and monitoring strategies to anticipate this (Fitriani, 2021).

Higher education leaders play a central role in creating an environment that supports academic freedom. Visionary and science-oriented leadership will encourage the growth of an open and inclusive academic tradition. In addition to protection, facilities are also an important factor, such as the availability of research funds, access to international journals and literature, and information technology facilities that optimally support academic activities. Without adequate facilities, academic freedom is difficult to fully realise (Rudi Hartono, 2020).

Overall, the implementation of academic freedom policies in higher education institutions must be oriented towards developing academic quality with integrity and contributing to the advancement of science and community development. Thus, academic freedom is not only a right but also a shared responsibility to create high-quality and sustainable higher education.

Conclusion

The implementation of academic freedom policies in Law No. 12 of 2012 emphasises that academic freedom is a fundamental right of the academic community that must be protected and facilitated by higher education institutions. This freedom includes the implementation of the three pillars of higher education, namely education, research, and community service, which must be carried out with full responsibility and based on scientific norms and academic ethics. The protection of academic freedom by

higher education leaders is a crucial step to ensure that the academic community can create, innovate, and express their opinions without irrational pressure.

However, in practice, the implementation of academic freedom still faces various challenges such as political intervention, cultural restrictions, and bureaucracy that often hinder academic expression. Higher education institutions need to strengthen internal oversight and management mechanisms so that existing freedoms are not misused for purposes outside the academic realm and so that institutional integrity is maintained. In addition, the provision of adequate facilities and supportive leadership are also key factors in promoting the effective and sustainable realisation of academic freedom.

Overall, the academic freedom policy in the Law has provided a clear legal framework for higher education institutions in Indonesia to develop high-quality and dynamic higher education. Academic freedom must continue to be upheld as a key pillar in creating an open, critical, and innovative academic environment in order to make a real contribution to the advancement of science and national development.

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