

## Bridging Knowledge: The Practice of Academic Freedom in Indonesia

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### **Abstrak**

*This article aims to analyze the current practices of academic freedom in Indonesia, driven by the premise that academic freedom is a cornerstone for every scholar with their expertise to seek, explore, innovate, and develop knowledge without intervention from certain parties. This concept is deeply rooted in the freedoms of thought, opinion, and expression in public, which are integral to the framework of human rights. This article is a study employing a normative juridical approach, attempting to examine the relevant legislation and actual circumstances. The data used is secondary data, focusing on various types of literature that explore the complex relationship between academic freedom, human rights, and democracy. The research findings indicate that in Indonesia, regulations governing academic freedom are enshrined in Law No. 12 of 2012 on Higher Education, Law No. 14 of 2005 on Teachers and Lecturers, and Law No. 20 of 2003 on the National Education System. Nevertheless, instances of persecution and dismissal of academic staff often occur on grounds of threatening nationalism or possessing subversive ideologies that ultimately disturb public security. The coordinator of the Indonesian Caucus for Academic Freedom cites several cases attacking academic freedom, such as cyber-attacks, repression of student actions, and criminalization of academics who speak out against corruption and for academic freedom, such as those involving Saiful Mahdi from Syiah Kuala University and Ubedillah Badrun from the State University of Jakarta (UNJ). This article aims to uncover the issues arising in the practice of academic freedom and the alignment between existing regulations and the human rights framework, using a normative juridical method. Academic freedom must serve as the foundation for the development of knowledge for the nation's welfare.*

**Keywords:** Academic Freedom; Freedom of Speech; Human Rights

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### **1. Introduction**

Academic freedom refers to the concept and principle that scholars, educators, and students have the right to pursue, teach, and research topics of their choice without interference, censorship, or undue external influence.<sup>1</sup> It is a fundamental element of higher education and intellectual inquiry, designed to protect the autonomy and independence of educational institutions and individuals within those institutions.<sup>2</sup> The concept of freedom has a close relationship with the human rights narrative. Dworkin argues that freedom

<sup>1</sup> D. Royce Sadler, "Academic Freedom, Achievement Standards and Professional Identity," *Quality in Higher Education* 17, no. 1 (2011), <https://doi.org/10.1080/13538322.2011.554639>.

<sup>2</sup> Svitlana Viktorivna Yevdokimenko et al., "Organizational and Legal Principles of Ensuring Academic Autonomy of Higher Educational Institutions," *Revista Amazonia Investiga* 9, no. 32 (2020), <https://doi.org/10.34069/ai/2020.32.08.6>.

means "the presence of choice, not the prohibition of action."<sup>3</sup> The foundation for the implementation of higher education units, namely universities, is the bastion of freedom, an institution that protects various conceptualizations of thought and speech. Academic freedom is a basic need created by science that questions orthodox beliefs and understandings.<sup>4</sup> In accordance with Law Number 20 of 2003 concerning the National Education System, universities carry out the Tri Dharma which consists of education, research, and community service. However, in the process of practicing the Tri Dharma, there is often intervention from the government or other individuals who have power.

For example, intervention carried out by the authorities occurred during the New Order era, namely with the arrest of two students named Bonar Tigor and Isti Nugroho because they were accused of spreading communism through the book "Tetralogy of the Earth of Mankind" belonging to Pramudya Ananta Toer.<sup>5</sup> There is also a case of silencing academic freedom that occurred at Cendrawasih University, students had to face government officials when expressing opinions, especially regarding Papuan independence. In 2020, for example, a law professor at Gadjah Mada University (UGM) received terror threats while speaking at a discussion event on the legal mechanism for presidential impeachment planned by the UGM Constitutional Law Society (CLS). A year earlier, the University of North Sumatra (USU) student press committee, namely Suara USU, was disbanded by the campus after uploading articles about experiences and discrimination against the LGBTQ community.

According to Government Regulation Number 30 of 1990 concerning Higher Education Article 17 paragraph (2), "Leaders of higher education institutions strive and guarantee that every member of the academic community can exercise academic freedom in the context of carrying out their duties and functions independently in accordance with personal aspirations and based on norms and scientific principles. Furthermore, in paragraph (4), "In implementing academic freedom and freedom of the academic platform, academic scholars must be personally responsible for the implementation and results in accordance with scientific norms and rules." The international human rights framework through Paragraph 39 of General Comment Number 13

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<sup>3</sup> Monika Stachowiak-Kudła et al., "Academic Freedom as a Defensive Right," *Hague Journal on the Rule of Law* 15, no. 1 (2023), <https://doi.org/10.1007/s40803-022-00188-4>.

<sup>4</sup> Terence Karran, "Academic Freedom in Europe: Reviewing Unesco's Recommendation," *British Journal of Educational Studies* 57, no. 2 (2009), <https://doi.org/10.1111/j.1467-8527.2009.00430.x>.

<sup>5</sup> Bob Sugeng Hadiwinata, "Political Intrusion in Social Science: The Elimination of Leftist Critical Thinking in Indonesia," in *Social Theory and Asian Dialogues: Cultivating Planetary Conversations*, 2018, [https://doi.org/10.1007/978-981-10-7095-2\\_18](https://doi.org/10.1007/978-981-10-7095-2_18).

concerning the right to education states that the freedom to "Pursuit, develop and disseminate knowledge and ideas through research, teaching, study, documentation, production, creation and writing" is part of academic freedom. Furthermore, every academic and student has the right to freedom to "Express opinions about the institution or system in which they work, to function without discrimination or fear of suppression by the state or other actors, to participate in professional or academic representative bodies, and to enjoy Human rights are internationally recognized and attached to everyone in the same jurisdiction." Therefore, attacks, intimidation, and threats by state and non-state actors against all media that can facilitate discussions between academics and students are a restraint on academic freedom. When viewed from a human rights perspective, the practice of political control is a form of violation of the human rights of academics. This practice is a distortion that can originate from internal or external parties in the higher education environment. Such violations of academic freedom have a negative impact on the sustainability and progress of providing healthy and ideal higher education.

Academic freedom in Indonesia has been a subject of both progress and challenges.<sup>6</sup> While the country has made strides in establishing a democratic system, allowing for more open discourse and diverse perspectives in academic settings, concerns about restrictions on academic freedom have persisted. Indonesian universities operate within a framework that acknowledges the importance of academic autonomy, but instances of government interference, particularly in areas deemed sensitive, have raised questions about the true extent of this freedom. Additionally, there have been instances of restrictions on discussions related to political or religious topics, limiting the ability of scholars to engage in robust academic inquiry without fear of reprisals.<sup>7</sup>

Efforts have been made by various stakeholders, including civil society organizations and academics, to advocate for stronger protections of academic freedom in Indonesia. However, the landscape remains complex, with ongoing debates about the balance between academic freedom and national interests. Mahfud MD stated that academic freedom, which reflects the freedom of universities to function and implement higher education missions without intervention from outside powers, could also be threatened by the cult of

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<sup>6</sup> S. A. Nurul Huda et al., "Academic Freedom: Understanding and Experience of Higher Education Lecturers in Indonesia," *Universal Journal of Educational Research* 8, no. 10 (2020), <https://doi.org/10.13189/ujer.2020.081036>.

<sup>7</sup> Andi Muhammad Irawan and Zifirdaus Adnan, "The Ahmadiyya, Blasphemy and Religious Freedom: The Institutional Discourse Analysis of Religious Discrimination in Indonesia," *Muslim World Journal of Human Rights* 18, no. 1 (2021), <https://doi.org/10.1515/mwjhr-2020-0034>.

certain academic personnel by their devotees or devotees of their teachings.<sup>8</sup> Even a campus figure's spontaneous verbalizations that are irrelevant to his expertise are considered authoritative opinions. As Indonesia continues to evolve politically and socially, the state of academic freedom is likely to be influenced by the broader dynamics of the nation.

This article delves into the intricate facets of academic freedom in Indonesia, examining the constitutional foundations, governmental influences, and socio-cultural dimensions that shape the academic landscape. By exploring these dimensions, it aims to shed light on the evolving nature of academic freedom in Indonesia and its implications for fostering a robust intellectual environment in the nation.

## **2. Research Method**

This article uses a normative juridical approach that implements statutory regulations and the reality that occurs. The data was obtained through secondary data which focuses on various types of literature that examine the complex relationship between academic freedom, human rights, and democracy.

## **3. Research Results and Discussion**

### **3.1. The Human Rights Framework of Academic Freedom**

The Indonesian Constitution, the 1945 Constitution, places education as one of the basic rights in accordance with article 31 paragraph (1) that every citizen has the right to education. Furthermore, paragraph (2) states that "every citizen is obliged to attend basic education and the government is obliged to finance it." Within the framework of international human rights instruments, the Lima Declaration states that, "Academic freedom means the freedom of members of the academic community, individually, or collectively, in the pursuit, development, and transmission of knowledge, through research, study, discussion, documentation, production, creation, teaching, lecturing, and writing."<sup>9</sup> Furthermore, academic freedom is an essential precondition for educational activities, research, administrative functions and services with which university institutions and other higher education institutions are trusted. All members of the academic community have the right to fulfill their functions without discrimination in any way

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<sup>8</sup> Moh. Mahfud MD, "Perspektif Politik Dan Hukum Tentang Kebebasan Akademik Dan Kritik Sosial," *Unisia* 17, no. 32 (1997), <https://doi.org/10.20885/unisia.vol17.iss32.art4>.

<sup>9</sup> Muhamad Dzadit Taqwa, M. Irfan Dwi Putra, and Muhamad Ali Muharam, "The Existence of Indonesian National Research and Innovation Agency: The Academic Freedom's Perspective," *Padjadjaran Jurnal Ilmu Hukum* 9, no. 1 (2022), <https://doi.org/10.22304/pjih.v9n1.a6>.

and without fear of interference or repression from the state or other parties. The dimensions of academic freedom itself are:<sup>10</sup> (1) Freedom to determine, for example determining teaching pedagogy, determining research topics, determining places for dissemination of research results, and so on; (2) Self-governance, for example freedom to voice opinions related to an institution, participate in university decision making, freedom to combine or leave positions within the university; (3) Tenure, namely the right to obtain job security at the university based on reasonable review procedures for academic history and reputation; and (4) Privileges, for example being free to question and test policies delegated to him, being free to put forward new/controversial/non-populist ideas without having to be trapped in the risk of losing his job. The interesting thing in Karran and Mallinson's study is that academic freedom is part of the scientific endeavor. According to former UN Special Rapporteur for the Promotion and Protection of the Right to Freedom of Opinion and Expression (2014-2020), David Kaye, academic freedom can be understood as a person's freedom as a member of the academic community (including students, teachers, academics, staff, administration and members other communities from this community) or engage in activities involving the discovery and dissemination of information and ideas, which are fully protected under human rights law.

The difficult legal reality prompted several representatives of academic freedom researchers, lecturers and students to gather in Surabaya in 2017 at a meeting initiated by the Human Rights Teaching Union and the Center for Human Rights Law Studies, Faculty of Law, Airlangga University. This meeting resulted in the Surabaya Principles on Academic Freedom (SPAF) 2017, which contains:

- a) Academic freedom is fundamental freedom in order to develop the autonomy of academic institutions.
- b) Academic people, those who carry out activities in the academic realm, have complete freedom in developing community service, education, research and publishing the results in accordance with scientific principles.

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<sup>10</sup> Terence Karran and Lucy Mallinson, "Academic Freedom and World-Class Universities: A Virtuous Circle?," *Higher Education Policy* 32, no. 3 (2019), <https://doi.org/10.1057/s41307-018-0087-7>.

- c) Academic people who work as educators in the world of education have the freedom in the classroom to discuss subjects by considering scientific competence and respect for human values.
- d) Academic people must be free from restrictions in order to develop an academic culture that is responsible and has scientific integrity for humanity.
- e) Public authorities have an obligation to respect and protect and ensure measures to guarantee academic freedom.

The principle of academic freedom in Surabaya has been able to provide views, solutions and corrections to environmental problems, human rights protection, law, statehood and others in Indonesia. Academic freedom and scientific autonomy are closely related to human rights. The relationship between academic freedom and scientific autonomy and human rights can be seen from at least two aspects,<sup>11</sup> (1) in terms of the subject of human rights to education in general as well as economic rights, social rights, cultural rights, civil and political rights; and (2) in terms of the subject of academic freedom and scientific autonomy.

Indonesia as a democratic country actually has four main elements of the democratic country index, namely:<sup>12</sup> (1) the existence of an honest and fair general election system; (2) the existence of a government that is transparent, accountable and responsive; (3) the existence of political will and steps to always promote and protect human rights, especially civil and political rights; (4) the existence of a democratic society which is reflected in an attitude of self-confidence, including in the form of various civil society associations.

Indonesia has also ratified the Covenant on Civil and Political Rights, the Covenant on Economic, Social and Cultural Rights as well as various international human rights instruments which guarantee freedom of opinion, expression and other individual freedoms which are the basic prerequisites for democracy and human rights. In the general explanation of article 13 of the Covenant it is stipulated that "... members of the academic community, individually or collectively, are free to pursue,

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<sup>11</sup> Klaus D Belter, Terence Karran, and Kwadwo Appiagyei-Atua, "'Measuring' the Erosion of Academic Freedom as an International Human Right: A Report on the Legal Protection of Academic Freedom in Europe.," *Vanderbilt Journal of Transnational Law* 49, no. 3 (2016).

<sup>12</sup> David Beetham, "Towards a Universal Framework for Democracy Assessment," *Democratization* 11, no. 2 (2004), <https://doi.org/10.1080/13510340412331294182>.

develop and convey knowledge and ideas, through research, teaching, study, discussion, documentation, production, creation or writing. Taufan Damanik from KOMNAS HAM also cited various cases such as the disbandment of seminars due to certain ideological accusations, book burning or publication bans, as threats to academic independence.<sup>13</sup> There has been a case where a nanotechnology expert who developed a certain disease was rejected on the basis of professional authority. In fact, there should be room to test these findings. So, the power or authority of the academic or scientific profession sometimes creates obstacles to the process of developing science and technology. There are also lecturers who do not pass their students when compiling and writing scientific views that are different from the school of thought taught by the lecturer. Even though there is no absolute truth in any school of thought, there are many other views that are different or even contradictory. The wealth of knowledge grows because we always maintain differences as a necessary wealth of thought.

### **3.2. Finding Loophole within the Practice of Academic Freedom in Indonesia**

Academic freedom generally concerns two areas of concern,<sup>14</sup> namely; first, the freedom possessed by higher education institutions to carry out their functions without interference by outside powers; secondly, a person's freedom within the university to study, teach and carry out research and express opinions regarding these activities without any restrictions except from himself. Throughout its history, even leading universities in western countries that are considered democratic have often come under pressure from authorities or forces outside them that limit freedom of expression.<sup>15</sup> This has been ongoing for a long time, manifesting itself in both subtle and persuasive manners, as well as in hard and tough ways. If such occurrences take place in a country, the prospect of the emergence of quality social criticism through rational academic freedom may merely be an illusion, particularly if the government lacks the political will to ensure the preservation of academic freedom. Meanwhile, in a developing country like Indonesia, the role of national education carries a heavier burden. The role

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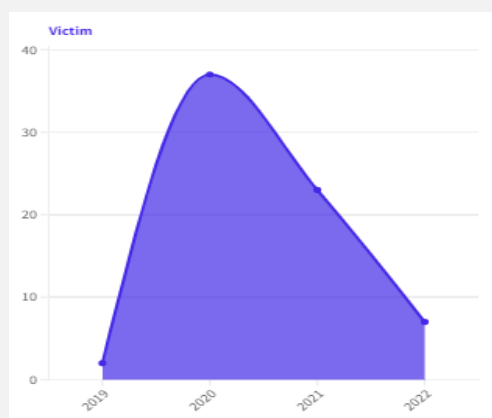
<sup>13</sup> Komnas HAM, "Gangguan Terhadap Kebebasan Akademik Mesti Dicegah," [komnasham.go.id](https://www.komnasham.go.id/index.php/news/2020/6/7/1430/gangguan-terhadap-kebebasan-akademik-mesti-dicegah.html), 2020, <https://www.komnasham.go.id/index.php/news/2020/6/7/1430/gangguan-terhadap-kebebasan-akademik-mesti-dicegah.html>.

<sup>14</sup> Richard Hofstadter and Roger L. Geiger, *Academic Freedom in the Age of the College*, *Academic Freedom in the Age of the College*, 2017, <https://doi.org/10.4324/9781351288927>.

<sup>15</sup> Gerlese S. Akerlind and Carole Kayrooz, "Understanding Academic Freedom: The Views of Social Scientists," *Higher Education Research and Development* 22, no. 3 (2003), <https://doi.org/10.1080/0729436032000145176>.

of education is not just as a means of transferring knowledge but also includes the process of enculturation in a broad field.<sup>16</sup> In this case, one of the most important things is the formation of national character and character building, which in turn is very crucial for the nation building process, in the sense of leading to the reconstruction of the nation.

During the New Order era, academic freedom became one of the victims of authoritarianism which experienced various aspects of violations ranging from book censorship, criminalization of the opposition and academics who voiced criticism of the government, ideological indoctrination, the emergence of military intervention in the tertiary environment, as well as restrictions on freedom of opinion and expression, especially when it comes from students and college students.<sup>17</sup> All kinds of violations that have been mentioned constitute a disruption in the implementation of the higher education process. As the era progresses, the trend of academic freedom cannot be said to be getting better. Based on the Amnesty International report (2022), it can be seen that there is a pattern that in Indonesia, violations of academic freedom are mostly carried out by parties who have higher power and generally for critical academic activities or content.



1.1 Graph of victim of academic freedom

Not only from external factors, but forms of violation of academic freedom can also come from internal circles, as in the example that occurred in Universitas Hasanuddin back in 2022, the case of the resignation of seven

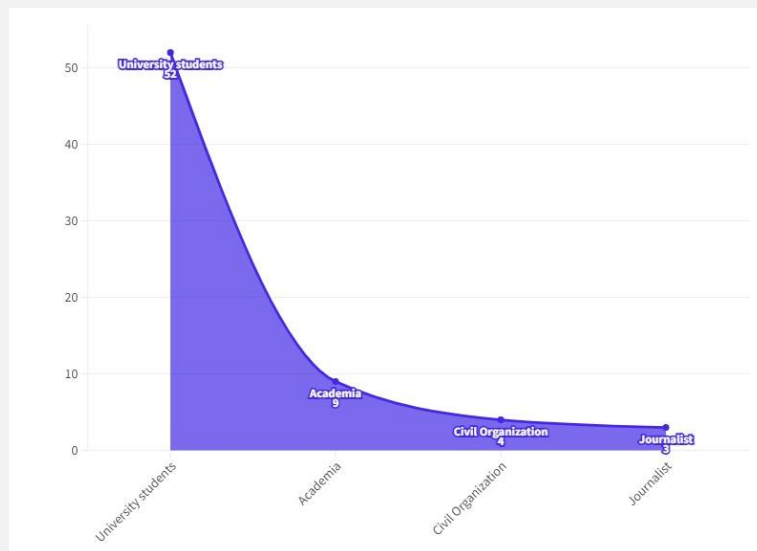
<sup>16</sup> Latipah Nasution, "Hak Kebebasan Berpendapat Dan Berekspresi Dalam Ruang Publik Di Era Digital," *ADALAH* 4, no. 3 (2020), <https://doi.org/10.15408/adalah.v4i3.16200>.

<sup>17</sup> Philip G. Altbach, "Academic Freedom: International Realities and Challenges," *Higher Education* 41, no. 1–2 (2001), [https://doi.org/10.1163/9789087903596\\_004](https://doi.org/10.1163/9789087903596_004).



professors at the Faculty of Economics and Business was allegedly triggered by the policy of the faculty dean. A number of professors admitted that they were forced to graduate some PhD students in the Management Study Program. In the resignation letter, it was stated that the dean's policy was to force them to give grades to students who did not attend lectures, failed to show up during exams, and lack of communication with the lecturers. As a result of this intervention, Siti Haerani admitted that she was punished by the faculty. The punishment is in the form of not being involved in teaching, guiding and testing activities without academic reasons and rational considerations. This form of violation can also be categorized as a violation of democratic values where the right to academic freedom also goes hand in hand with the autonomy of academic society, both of which are elements of democracy based on Resolution Number 2002/46 of the Human Rights Commission.

From the number of cases as shown on the previous graph, another report from Amnesty International shows that most of the victims came from higher education student backgrounds, followed by academics, civil society and journalists.



### 1.2 Background for the victim of academic freedom (Amnesty International, 2022)

In September 2022, after an incident, a letter from the Ministry of Environment to all Heads of the National Park Office, National Park Office and Natural Resources Conservation Center was leaked to the public. The letter that was dated September 14 2022 ordered national park officials and

conservation centers not to provide services and requests for cooperation in conservation activities to Erik Meijaard, Julie Sherman, Marc Ancrenaz, Hjalmar Kuhl, and Serge Wich. The five foreign researchers have published many scientific publications related to forests and wildlife. The Ministry of Environment asked national park and conservation center officials to report on the activities carried out by foreign researchers in their respective areas.<sup>18</sup> Officials were also told to monitor their research and its publication, "in order to maintain objectivity," wrote Bambang Hendroyono, acting Director General of Natural Resources and Ecosystem Conservation.

According to the decree of Decree of the Indonesian People's Consultative Assembly Number: VI/MPR/2001 concerning Ethics in National Life, scientific ethics is designed to uphold human values, science, and technology, thereby ensuring that the citizens of the nation preserve their honor and dignity. It advocates allegiance to the truth in order to attain prosperity and progress, all within the framework of religious and cultural values. Individually and collectively, this ethical framework is evident in initiatives, creative endeavors, and labor, manifested through behaviors characterized by creativity, innovation, and effective communication. It extends to activities such as reading, studying, and research, as well as the processes of writing and creating, fostering an environment conducive to the advancement of science and technology. Central to scientific ethics is an emphasis on the cultivation of a work ethic, encompassing the values of time-respect, disciplined cognition and action, and the fulfillment of promises and commitments to optimize outcomes. Furthermore, this ethical framework advocates for the development of resilience, enabling individuals to confront and surmount life's obstacles and challenges, transform difficulties into opportunities, nurture creativity for the generation of novel prospects, and maintain a steadfast and tenacious approach. In sum, Academic freedom is closely related to the function of universities or colleges to meet society's needs for higher education for its citizens. Activities carried out by universities in the form of research can be used to strengthen the quality of education, for community service and for the development of science itself. A university that only concentrates on

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<sup>18</sup> Verdinand Robertua, "Criminalization Of Civil Society And Indonesia Environmental Politics: Case Study Of Tanjung Benoa Reclamation," *Sociae Polites* 24, no. 2 (2024), <https://doi.org/10.33541/sp.v24i2.5491>.

teaching without balancing it with research activities as a form of scientific activity cannot be seen as a university in the true sense.

## **4. Closing**

### **4.1. Conclusions**

The provision of higher education by higher education institutions which is based on academic freedom and scientific autonomy, has strategic significance in encouraging the process of democratization in society. This democratization process is marked by the realization of basic democratic values in various areas of life. In this case, the democratization process also has a positive impact on the realization of human rights, known as three generations of human rights. Violations and deviations from academic freedom and scientific autonomy have a negative impact on the continuity of the healthy implementation of higher education. These violations and deviations often originate from outside higher education institutions in the form of political control from the government which attempts to take over the autonomy of universities in order to control the public narrative regarding an issue.

The provision of tertiary education by institutions of higher learning, predicated upon the principles of academic freedom and scientific autonomy, holds strategic importance in fostering the process of societal democratization. This progression towards democratization is characterized by the instantiation of fundamental democratic values across diverse spheres of human existence. Notably, this democratization process exerts a favorable influence on the realization of human rights, encompassing the three generations of human rights. Instances of transgressions and deviations from the tenets of academic freedom and scientific autonomy exert deleterious effects on the sustained integrity of higher education implementation. Such transgressions frequently emanate from external sources, manifesting in the form of governmental exertion of political control that seeks to subvert the autonomy of universities, thereby influencing the public discourse on pertinent issues.

### **4.2. Suggestions**

First, the establishment of an effective law enforcement mechanism is imperative to address transgressions against academic freedom. Academic freedom, a safeguarded right enshrined in various legislations, including constitutional provisions, is an integral component of human rights, as elucidated by Human Rights Watch in 2005. In accordance with the principles outlined in Article 28I paragraph (4) of the 1945 Constitution of the Republic of

Indonesia, it is the duty of the state to ensure the protection of academic freedom.

Secondly, the dissemination of education among the broader populace is indispensable to enhance comprehension regarding the nature of academic freedom and its operational dynamics. Collaboration with civil society organizations can significantly augment the impact of such educational endeavors. It is imperative for the wider community to recognize academic pursuits as realms wherein individuals can "pursue, develop, and disseminate knowledge and ideas through research, teaching, study, documentation, production, creation, and writing," as explicated in Paragraph 39 of General Comment Number 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR).

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