

The Intervention of Government in Rector Selection and Its Impact on Academic Freedom in Higher Education Institutions

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ABSTRACT

Regulation of the Minister of Research, Technology, and Higher Education (Permenristekdikti) No. 19/2017 on the Appointment and Dismissal of Leaders of State Universities indicates that the Minister of Education and Culture holds 35% voting rights to elect rectors, while the university senate holds 65% voting rights. This percentage is prone to emasculating the majority vote in universities. It has an impact on the rise of high-level lobbying ahead of the rector selection, both to political parties and to the Palace. This kind of practice undermines the independence of state universities in channelling aspirations to address the state's social issues. This research contributes to the analysis of the dynamics of rector selections in Indonesia, examining the impact of government intervention on rector independence and freedom of speech, and proposing an ideal regulatory framework based on transparency, meritocracy, and autonomy. It fills a gap in existing studies by highlighting how ministerial voting rights affect academic freedom and offering a reform-oriented model for more democratic and independent university leadership. This research is a normative juridical study that employs statutory, conceptual, and case study approaches to address the problem. The results showed that, first, government intervention in the selection of rectors is problematic in a democratic country, Second, government intervention in the selection of rectors has a significant effect on the independence of freedom of higher education in responding to social issues of state, Third, Changing the provisions of government intervention in the selection of rectors in State Universities by emphasizing transparency aspects, meritocracy and independence.

Introduction

The purpose of the Republic of Indonesia, as mandated in the 1945 Constitution of the Republic of Indonesia, is to advance the general welfare, educate the nation's life and participate in implementing world order.¹ The realization of these national goals is the responsibility of the government, as embodied in Article

¹ Khudzaifah Dimiyati et al., "Indonesia as a Legal Welfare State: A Prophetic-Transcendental Basis," *Heliyon* 7, no. 8 (August 2021): e07865, <https://doi.org/10.1016/j.heliyon.2021.e07865>.

31 paragraph (3) of the 1945 Constitution of the Republic of Indonesia,² which states, "*the government shall seek and organize a national education system, which shall enhance faith and piety and noble character to educate the nation's life, which shall be regulated by law*".³

On this basis, Law No. 12/2012 on Higher Education was enacted. In the consideration of letter (c) explicitly explains the urgency of the presence of higher education, namely, "increasing the nation's competitiveness in the face of globalization in all fields, higher education is needed that can develop science and technology and produce intellectuals, scientists, and/or professionals who are cultured and creative, tolerant, democratic, strong character, and dare to defend the truth for the benefit of the nation."⁴ Therefore, in realising this goal, universities as educational institutions must have autonomy and manage their institutions in a way that presents universities that have academic freedom and an academic pulpit, as well as scientific autonomy.⁵ The realisation of an autonomous and independent university, of course, cannot be separated from the highest leadership of the university, which must be free from intervention from any party.⁶

In the context of higher education, rectors are leaders who serve as representative figures of a university, playing a key role in shaping the university's image and reputation in the eyes of the public.⁷ Rector selections should ideally be held reasonably, honestly, and by democratic principles.⁸ The selection process should be carried out through a meritocratic system with strict and responsible qualifications, as the rector plays a central role in determining the fate and sustainability of a university.⁹

However, government intervention in the process of appointing university leaders is considered to have the potential to undermine the independence of

² Achmad Syaury, "The Legal Aspect of The National Education Budget Allocation," *Yuridika* 33, no. 3 (October 1, 2018): 349, <https://doi.org/10.20473/ydk.v33i3.7910>.

³ Putera Astomo, "Legal Politics of Responsive National Education System in the Globalization Era and the Covid-19 Pandemic," *Yuridika* 36, no. 2 (May 1, 2021): 401, <https://doi.org/10.20473/ydk.v36i2.25897>.

⁴ Sulistiawati Irianto, "Legal Education for The Future of Indonesia: A Critical Assessment," *The Indonesian Journal of Socio-Legal Studies* 1, no. 1 (October 2021): 1–36, <https://doi.org/10.54828/ijsls.2021v1n1.1>.

⁵ Chiara Logli, "Higher Education in Indonesia: Contemporary Challenges in Governance, Access, and Quality," in *The Palgrave Handbook of Asia Pacific Higher Education* (New York: Palgrave Macmillan US, 2016), 561–81, https://doi.org/10.1057/978-1-137-48739-1_37.

⁶ Septi Fitriana et al., "Transformation of Higher Education Policy: A Literature Study on the Shift from Kampus Merdeka to Diktisaintek Berdampak," *Tofedu: The Future of Education Journal* 4, no. 5 (May 30, 2025): 1278–84, <https://doi.org/10.61445/tofedu.v4i5.554>.

⁷ Jamali Sahrodi and Abdul Karim, "Leader Power of Islamic Higher Education Institutions in Improving the Performance of Human Resources Management," *Cogent Arts & Humanities* 12, no. 1 (December 31, 2025): 1–17, <https://doi.org/10.1080/23311983.2024.2442818>.

⁸ Vyacheslav Volchik and Elena Maslyukova, "Performance and Sustainability of Higher Education: Key Indicators Versus Academic Values," *Journal of Security and Sustainability Issues* 6, no. 3 (March 30, 2017), [https://doi.org/10.9770/jssi.2017.6.3\(14\)](https://doi.org/10.9770/jssi.2017.6.3(14)).

⁹ Jacky Lumby, "Leadership and Power in Higher Education," *Studies in Higher Education* 44, no. 9 (September 2, 2019): 1619–29, <https://doi.org/10.1080/03075079.2018.1458221>.

universities.¹⁰ The government's intervention in the selection of rectors has reaped problems in society.¹¹ This has changed due to the political map of the campus and the polarisation caused by the rector selection. This raises a variety of issues, namely whether the selected Rector comes from the internal majority vote and expectations of state universities or further strengthens the relationship between state universities and the government based on the minister's 35 per cent voting rights in the selection of the Rector?

On the other hand, universities are often considered an extension of the government with an educational agenda; however, the improvement of quality and order in universities has declined. Whereas the campus is a medium for producing morally responsible students.¹² Government Regulation Number 4 of 2014 concerning the Implementation of Higher Education and Management of Higher Education, Article 29 paragraph (2) states that the leaders of Higher Education, as referred to in paragraph 1, are appointed and dismissed by the Minister. Furthermore, in the regulation of the Permenristekdikti Number 19 of 2017 concerning the Appointment and Dismissal of Leaders of State Universities, Article 9 paragraph (3) states that the Minister has 35% of the voting rights of the total voters present and 65% of the rights and votes of each senate member have the same voting rights.¹³

Current conditions show that political parties have targeted academic circles and universities. As a result, public universities have become a venue for practical politics that is far from their purpose.¹⁴ Universities are the ideal roots for intellectually and morally driven individuals, producing educated people.¹⁵ Government intervention in the selection of rectors in state universities will also

¹⁰ Paulina Pannen, Aman Wirakartakusumah, and Hadi Subhan, "Autonomous Higher Education Institutions in Indonesia," in *The Governance and Management of Universities in Asia* (Abingdon, Oxon ; New York, NY : Routledge, 2019. | Series: Routledge critical studies in Asian education: Routledge, 2019), 56–80, <https://doi.org/10.4324/9780429427831-5>.

¹¹ Miftakhul Huda, "Keadilan Dalam Hubungan Hukum Antara Dosen Perguruan Tinggi Swasta Dengan Badan Penyelenggara Perguruan Tinggi," *Yuridika* 32, no. 3 (September 1, 2017): 464, <https://doi.org/10.20473/ydk.v32i3.4852>.

¹² Yayuk Ramadhaniyati and Nur Hayati, "Pengaruh Profesionalisme, Motivasi, Integritas, Dan Independensi Satuan Pengawasan Internal Dalam Mencegah Kecurangan (Fraud) Di Lingkungan Perguruan Tinggi Negeri," *Journal of Auditing, Finance, and Forensic Accounting* 2, no. 2 (2014): 101–14, <https://doi.org/https://doi.org/10.21107/jaffa.v2i2.765>.

¹³ Anthony Welch and E. Aminudin Aziz, "Higher Education in Indonesia," in *International Handbook on Education in South East Asia* (Singapore: Springer Nature Singapore, 2022), 1–30, https://doi.org/10.1007/978-981-16-8136-3_41-1.

¹⁴ Rachmah Ida et al., "Politics in Indonesia: Democracy, Social Networks and Youth Political Participation," *Cogent Social Sciences* 11, no. 1 (December 31, 2025): 1–13, <https://doi.org/10.1080/23311886.2024.2432071>.

¹⁵ Nurdiana Gaus, "Philosophy and Politics in Higher Education," *Qualitative Research Journal* 19, no. 3 (July 24, 2019): 294–306, <https://doi.org/10.1108/QRJ-12-2018-0008>.

impact the academic freedom within the University.¹⁶ Some indications have occurred in various cases, as stated by Loviana Soenni, for example: first, the Yogyakarta State University student bulletin, published by the Student Press Institute, had to be withdrawn because the bulletin's contents showed a critical attitude towards the implementation of campus introductions and study orientations. Second, *Lentera Magazine*, published by Lembaga Pers Mahasiswa (LPM) Universitas Satya Wacana, was also withdrawn by the police and the rector because it reported the events of 1965 in Salatiga. Third, LPM "Poros" and "Pendapa" were banned by the rector of Universitas Ahmad Dahlan in Yogyakarta. Fourth, the repressive treatment experienced by LPM "Suaka", Universitas Islam Negeri Sunan Gunung Djati. Fifth, in 2019, namely the banning and dismissal of 18 Student Presses at the Universitas Sumatra Utara and the dissolution of discussions at the Politeknik Elektronika Negeri Surabaya, and in 2020 the same thing also happened to the Constitutional Law Society (CLS) Faculty of Law Universitas Gadjah Mada, which received pressure and threats when it wanted to hold a webinar, these various problems should have received guarantees and protection from the rector instead of prohibiting them.¹⁷

Based on this, it is very important to conduct further research on the dynamics of rectors' selection in Indonesia, particularly examining the urgency and implications of government intervention in the selection process. Such involvement raises critical questions about the independence of university rectors, particularly about freedom of expression and autonomy in university governance. In this context, it is also necessary to explore what constitutes an ideal regulatory framework for rectors' selections that can effectively protect the independence of rectors and institutional integrity. Although existing literature on higher education governance and academic freedom exists, a significant research gap remains in understanding how the distribution of voting power between the government and the university senate affects the independence and neutrality of rectors in post-selection decision-making. Most existing studies focus on higher education policy, university autonomy, and academic freedom, as examined by Satria Unggul Wicaksana Prakasa

¹⁶ Andrew Rosser, "Neo-Liberalism and the Politics of Higher Education Policy in Indonesia," *Comparative Education* 52, no. 2 (April 2, 2016): 109–35, <https://doi.org/10.1080/03050068.2015.1112566>.

¹⁷ Delpedro Marhaen Rismansyah and Tundjung Herning Sitabuana, "Kebebasan Akademik Dan Otonomi Keilmuan Dalam Sistem Pemerintahan Demokrasi Pancasila (Studi Kasus Webinar Constitutional Law Society Fakultas Hukum Universitas Gadjah Mada Yogyakarta)," *Jurnal Hukum Adigama* 5, no. 1 (2022): 1123–42, <https://journal.untar.ac.id/index.php/adigama/article/view/20081>.

(2024),¹⁸ Sholaduddin Al-Fatih (2023),¹⁹ Lars Lott (2023),²⁰ Andrew Rosser (2022),²¹ and Suyadi et al. (2022).²² Still, they rarely delve into the more subtle influence of the Minister's voting rights in the rector selection process, particularly regarding political interests or bureaucratic pressure.

The novelty of this research lies in its attempt to offer a comprehensive legal and policy-oriented analysis of rector selection mechanisms, combining normative legal review with governance theory. It aims to propose an ideal selection model that not only reflects democratic principles within academic institutions but also protects academic freedom and ensures leadership accountability by the values of university autonomy.

Methods

This research aims to investigate the dynamics of rector selection in Indonesia and identify the ideal concept that can be applied through examples from various countries. In fulfilling the research objectives, this study employs a normative juridical research approach, utilising statutory, conceptual, and case study methods to address the problem.²³ In research, the approach aims to establish the fundamental perspective and framework for one's thinking in conducting analysis. Therefore, if a legal issue is seen from several different approaches, the results will provide a comprehensive explanation, even though they will produce different conclusions. Likewise, this research employs three approaches: the statutory approach, the conceptual approach, and the case study approach, to provide an overview of the legal issue and a more comprehensive conclusion.²⁴ The statutory approach in this research is used to examine and analyse in depth the relevant laws and regulations, as well as various rules and regulations, as an initial basis for analysis. The conceptual approach in this research serves as a starting point for analysing and developing legal

¹⁸ Satria Unggul Wicaksana Prakasa, "Academic Freedom Movement in Southeast Asian: Threat, Challenge, and It's Implication in Indonesia," *South East Asian Journal of Advanced Law and Governance (SEAJ ALGOV)* 1, no. 2 (October 31, 2024): 1–14, <https://doi.org/10.22146/seajalgov.v1i2.16162>.

¹⁹ Sholahuddin Al-Fatih et al., "Academic Freedom of Expression in Indonesia: A Maqashid Sharia Notes," *El-Mashlahah* 13, no. 2 (December 31, 2023): 203–24, <https://doi.org/10.23971/el-mashlahah.v13i2.7573>.

²⁰ Lars Lott, "Academic Freedom Growth and Decline Episodes," *Higher Education* 88, no. 3 (September 18, 2024): 999–1017, <https://doi.org/10.1007/s10734-023-01156-z>.

²¹ Andrew Rosser, "Higher Education in Indonesia: The Political Economy of Institution-Level Governance," *Journal of Contemporary Asia* 53, no. 1 (January 1, 2023): 53–78, <https://doi.org/10.1080/00472336.2021.2010120>.

²² Suyadi et al., "Academic Reform and Sustainability of Islamic Higher Education in Indonesia," *International Journal of Educational Development* 89 (March 2022): 102534, <https://doi.org/10.1016/j.ijedudev.2021.102534>.

²³ Tunggul Ansari Setia Negara, "Normative Legal Research in Indonesia: Its Origins and Approaches," *Audito Comparative Law Journal (ACLJ)* 4, no. 1 (February 2, 2023): 1–9, <https://doi.org/10.22219/aclj.v4i1.24855>.

²⁴ Victor Imanuel W. Nalle, "The Relevance of Socio-Legal Studies in Legal Science," *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada* 27, no. 1 (February 15, 2015): 179, <https://doi.org/10.22146/jmh.15905>.

concepts, principles, and doctrines relevant to this study. While the case study approach is used to study legal norms or rules implemented in legal practice, it can be used as a reference in legal studies related to the issue of Government intervention in Rector selections and Rector independence.

Discussion

Dynamics of Rector Selection in Indonesia

The selection of university rectors in Indonesia has always attracted public attention. The position of the rector as the highest leader in a higher education institution is highly strategic; the decisions and policies made by the rector will have a direct impact on the quality of education, the university's reputation, and its future direction.²⁵ Therefore, the rector selection process cannot be considered merely a selection, but must be carried out transparently, accountably, and involve related parties who certainly possess good integrity. A democratic and transparent rector selection process is crucial to ensure that the selected leader is the right person to lead the university in a better direction.²⁶

Formally, there are four stages in the rector selection process, namely: selection of candidates, screening of candidates, determination, and inauguration. However, at the implementation level, the selection of rectors often causes controversy among lecturers, students, and even the general public.²⁷ The polemics most often encountered in the field are related to transparency and, of course, the government's intervention in determining the rector. The government's (or ministry's) intervention in various aspects suggests that the existence of ministerial votes in the selection of rectors is proof that the campus is merely a puppet of the government. whereas the policies set by the rector will have an impact on students and the future of the campus, not the Minister.

Various problems in the selection of university rectors in Indonesia have indeed given the Indonesian education system a bad image. Multiple cases of rector selections then cause polemics within different parties.²⁸ One of them is the rector selection at Universitas Sebelas Maret (UNS) in Surakarta. The sitting of the case at UNS Solo, when the selected rector had not been inaugurated. The plenary session of the UNS Board of Trustees (Majelis Wali Amanat or MWA) selected Sajidan as rector for the period 2023-2028, with the votes cast as follows: Sajidan (12 votes), Hartono (11 votes), and I Gusti Ayu Ketut Rachmi Handayani (2 votes). It can be

²⁵ Ali Baltaci, "The Quality of Teaching in Higher Education According to the Rectors," *Hayef: Journal of Education* 21, no. 2 (August 29, 2024): 207–15, <https://doi.org/10.5152/hayef.2024.23091>.

²⁶ Marvello Yang, Abdullah Al Mamun, and Anas A. Salameh, "Leadership, Capability and Performance: A Study among Private Higher Education Institutions in Indonesia," *Heliyon* 9, no. 1 (January 2023): e13026, <https://doi.org/10.1016/j.heliyon.2023.e13026>.

²⁷ Teguh Wijaya Mulya and Zulfa Sakhiyya, "Leadership Is a Sacred Matter': Women Leaders Contesting and Contextualising Neoliberal Meritocracy in the Indonesian Academia," *Gender and Education* 33, no. 7 (October 3, 2021): 930–45, <https://doi.org/10.1080/09540253.2020.1802407>.

²⁸ Simon Butt, *Corruption and Law in Indonesia* (London: Routledge, 2017), <https://doi.org/10.4324/9780203584729>.

seen from this selection that Sajidan won the most votes; however, the Minister of Education, Nadiem Makarim, cancelled Sajidan's appointment as definitive rector with Permendikbud Ristek Number 24 of 2023, concerning the arrangement of internal regulations and organs within UNS. The Ministry considers there is fraud in the rector selection at UNS. The implication is to extend the term of office of the old rector, and the ministry simultaneously freezes the UNS Trustee Council.²⁹

The problem of rector selection in state universities also occurs in the selection of rectors in state Islamic universities, where, in many cases, it has been found that the selected rectors were not inaugurated due to the intervention of the Ministry of Religious Affairs.³⁰ One of the most interesting cases at that time was that of Andi Faisal Bakti, which was also commented on by Mahfud MD in a TV station program. Andi Faisal Bakti was not inaugurated as the rector of Universitas Islam Negeri Alauddin Makassar (UIN Makassar) by the Ministry of Religious Affairs, despite winning the rector selection. Andi Faisal Bakti also sued the Administrative Court and won, but the Ministry still did not appoint Andi Faisal Bakti as rector of UIN Makassar.³¹ The failure to inaugurate Andi Faisal Bakti, in the results of an investigation by one of the Non-Governmental Organizations (NGOs) in South Sulawesi found that there were allegations of unscrupulous play by officials of the Ministry of Religion (Kementerian Agama or Kemenag) in the cancellation of Andi Faisal Bakti's inauguration, this inauguration was canceled after the Ministry of Religion issued Decree No. B.II/3/00347 concerning the Appointment and Temporary Replacement Rector of UIN Makassar.³² A similar incident occurred again for Andi Faisal Bakti when he participated in the Rector selection at UIN Syarif Hidayatullah Jakarta (UIN Jakarta) in 2018. At that time, the Minister of Religion again did not inaugurate Andi, who had been ranked first in the rector selection.³³

The two cases above illustrate that the government's intervention in the selection of rectors has caused its problems, particularly in the freedom of universities to determine their rectors. This suggests that the appointment of rectors at public universities in Indonesia is closely tied to political interests. It is not uncommon for the selection of rectors in state universities to involve lobbying with

²⁹ Dinda Shabrina, "Kisruh Pemilihan Rektor, Kemendikbud-Ristek Tidak Bisa Sampaikan Poin Yang Dilanggar UNS," *Media Indonesia*, April 5, 2023, https://mediaindonesia.com/humaniora/571610/kisruh-pemilihan-rektor-kemendikbud-ristek-tidak-bisa-sampaikan-poin-yang-dilanggar-uns#goog_rewarded.

³⁰ Mohammad Kosim et al., "The Dynamics of Islamic Education Policies in Indonesia," *Cogent Education* 10, no. 1 (December 31, 2023), <https://doi.org/10.1080/2331186X.2023.2172930>.

³¹ Carlos KY Paath, "Penjelasan Mahfud Soal Masalah Jabatan Rektor UIN," *Beritasatu.Com*, March 22, 2019, <https://www.beritasatu.com/news/544556/penjelasan-mahfud-soal-masalah-jabatan-rektor-uin>.

³² Agus Yulianto, "Ini Alasan Mudjia Mau Ungkap Kejanggalan Pemilihan Rektor," *Republika*, March 21, 2019, <https://news.republika.co.id/berita/popn5w396/ini-alasan-mudjia-mau-ungkap-kejanggalan-pemilihan-rektor>.

³³ Wildatun Rizka Khoiriyati et al., "The Concept of Transforming the Leadership of Islamic Universities in Indonesia Towards A World Class University," *International Journal of Multidisciplinary Research of Higher Education (IJMURHICA)* 7, no. 2 (2024): 64–81, <https://doi.org/https://doi.org/10.24036/ijmurhica.v7i2.211>.

officials from the political party that is part of the governing coalition.³⁴ In the selection of rectors at Religious Universities organized by the Government, one of the strong criticisms is related to the Minister of Religion Regulation Number 68 of 2015 which was later amended by the Minister of Religion Regulation Number 17 of 2021 concerning the Appointment and Dismissal of Rectors and Chairmen at Religious Universities organized by the Government, this regulation is accused of not giving space to the internal campus, in this case the senate, to elect its own Rector/Chair candidate, UIN and the university senate have no voice, this is like a ‘*jahiliyah*’ institution.³⁵

The issue of rector selection and government intervention in this Ministry of Research, Technology and Higher Education has indeed caused various dynamics,³⁶ not only shackling the freedom of higher education but also becoming a pathway for bribery practices in higher education, especially in the selection of rectors, involving political party elites and officials from the Ministry of Research, Technology, and Higher Education.³⁷ In Agus Rahardjo's view, one of the causes of bribery practices in the rector selection process is the Permenristekdikti on the Appointment and Dismissal of Rectors/Chairmen/Directors at State Universities (Perguruan Tinggi Negeri or PTN), particularly Article 7, which grants the Minister 35% of the total voting rights. This regulation is a form of systematic intervention in the political autonomy of state universities.³⁸

The Permenristekdikti No. 19/2017 on the appointment and dismissal of State University Leaders is related to the policy that grants 35% voting rights to elect the rector, as mentioned earlier, while the university senate holds 65% voting rights. the magnitude of the Ministry of Education's voting rights in the rector selection certainly has an excellent opportunity to favour certain candidates. This regulation raises at least two things. First, there is an authoritarian system that holds academic

³⁴ Fridiyanto, “Manajemen Konflik Di Perguruan Tinggi Islam Studi Kasus Konflik Pemilihan Rektor Di UIN Maliki Malang, IAIN Sultan Thaha Syaifuddin Jambi, IAIN Mataram, Dan IAIN Imam Bonjol,” *Al-Irsyad: Jurnal Pendidikan Dan Konseling* 8, no. 2 (2018): 96–107, <https://doi.org/http://dx.doi.org/10.30829/al-irsyad.v8i2.6729>.

³⁵ Zainal Abidin, “Dinamika Kebijakan Seleksi Pimpinan Perguruan Tinggi Keagamaan Islam Negeri,” *Leaderia: Jurnal Manajemen Pendidikan Islam* 3, no. 2 (2022): 133–42, <https://doi.org/https://doi.org/10.35719/leaderia.v3i2.395>.

³⁶ Ludwina Harahap and Jaka Isgiyarta, “Corruption and Fraudulent Activities in Higher Education: A Study of Literature,” *Jurnal Manajemen* 14, no. 1 (March 5, 2023): 217, <https://doi.org/10.32832/jm-uika.v14i1.11239>.

³⁷ Bayu Indra Pratama et al., “Evaluating Academic Performance and Scholarly Impact of Rectors of Indonesia’s Public Universities: A Dual Bibliometric and Scholastic Analysis,” *Cogent Education* 11, no. 1 (December 31, 2024), <https://doi.org/10.1080/2331186X.2024.2317151>.

³⁸ Rafan Darodjat, Maulana Irfan, and Hazar Kusmayanti, “Moratorium Pemberian Sanksi Atas Pelanggaran Etika Rektor Perguruan Tinggi Negeri Pada Masa Tugas Sebagai Resolusi Konflik,” *Jurnal Kolaborasi Resolusi Konflik* 6, no. 2 (August 10, 2024): 137–43, <https://doi.org/10.24198/jkrk.v6i2.57082>.

freedom hostage. Second, the capitalist system has succeeded in shaping a capitalistic education system through harmful regulations.³⁹

These problems should receive special attention from the government. The management of higher education should be given complete freedom.⁴⁰ However, the management of higher education involves various interests, including market forces, the role of government, and academic life, which encompasses efforts to achieve excellence and academic validity.⁴¹ In the view of Ani Soetjipto et al, the relationship between these three forces is described in the following figure:

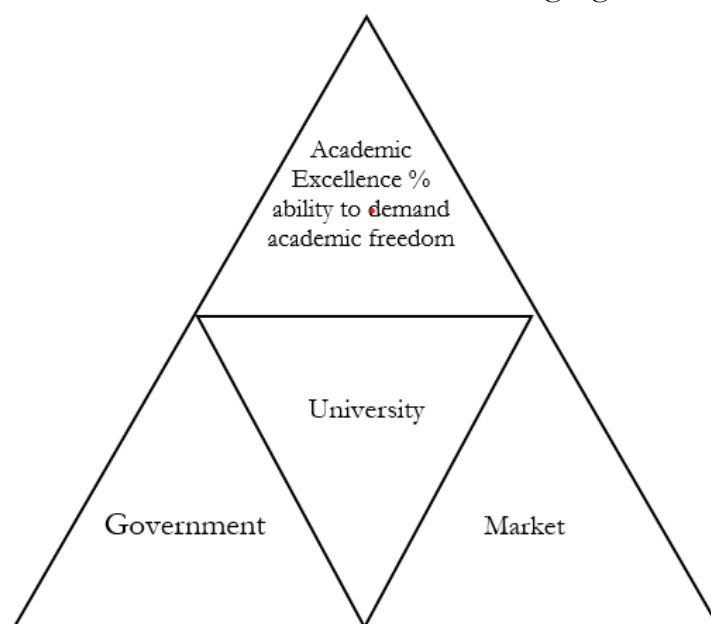


Figure 1. Forces affecting higher education governance

Source: Ani Soetjipto dkk, *Jurnal Masyarakat & Budaya*, 16 (2), 2024

From the figure above, it can be seen that various forces influence the governance of a university, including market forces, the role of government, and academic life, which encompasses efforts to achieve excellence and academic freedom. The tension, bargaining, and balance achieved among these forces influence university governance, including the development of various policies. The power of these forces also influences decision-making in the selection of university rectors. If the power of the state or government is dominant, then at one extreme, some universities are fully controlled by the state. When market forces are dominant, universities are found that are fully business-oriented. Between these two extremes

³⁹ Hangga Fathana, Enggar Furi Herdianto, and Karina Utami Dewi, "Academic Capitalism in Southeast Asia: Lessons from Islamic Universities in Indonesia," *JAS (Journal of ASEAN Studies)* 12, no. 2 (January 22, 2025): 263–82, <https://doi.org/10.21512/jas.v12i2.11501>.

⁴⁰ Brian Miller, "Free to Manage? A Neo-Liberal Defence of Academic Freedom in British Higher Education," *Journal of Higher Education Policy and Management* 36, no. 2 (March 4, 2014): 143–54, <https://doi.org/10.1080/1360080X.2013.861055>.

⁴¹ Jarot Wahyudi, "Disharmoni Regulasi Otonomi Perguruan Tinggi Di Indoensia" (Universitas Islam Indonesia, 2022), 77–78, <https://dspace.uui.ac.id/handle/123456789/47720>.

lies a wide variety of university governance that reflects the interplay among the market, government, and academic life.⁴²

The commercialisation of higher education (the relationship between universities and capital/state owners) is a serious problem and threat to academic freedom. When higher education institutions lose their primary focus by prioritising financial gain, the result is often a disregard for the principles of academic freedom.⁴³ In the view of Eva Pills and Marina Svensson, this phenomenon is referred to as the erosion of higher education autonomy, characterised by a decline in the level of academic freedom and independence that educational institutions should possess.⁴⁴

Policies that combine academic, business, and government elements, as mentioned earlier, have reduced the spirit of the university's struggle.⁴⁵ The government's policy of intervention in the selection of rectors is a clear manifestation of the erosion of university autonomy in determining its policies. The independence of universities appears to be compromised by the Ministry of Education's intervention in the selection of university rectors. It is time for the selection of PTN rectors to be released from the political octopus of the Ministry of Research, Technology and Higher Education's "blessing" by revoking Menristekdikti Regulation No. 19/2017, which mandates ministerial authority to have a 35 per cent share of votes in the selection of rectors. The central government should not intervene in the rector selection, and PTN should be given broad political autonomy to choose and determine its best lecturers to lead the institution.⁴⁶ This will also guarantee academic freedom in state universities.

According to Achmad Ihsan, academic freedom generally involves two areas, namely: first, the freedom possessed by higher education institutions to carry out their functions without being interfered with by outside powers; second, the freedom of a person within the university to study, teach, and carry out research, as well as express his opinion. In the context of this first point, the university should be able to carry out its function as an educational institution independently, especially in the selection of the rector; the university should be able to determine its leadership independently without interference from the government.⁴⁷ Related to the second

⁴² Ani Soetjipto et al., "Otonomi Dan Tata Kelola Perguruan Tinggi Negeri: Studi Kasus Di Universitas Indonesia, Universitas Negeri Jakarta, Dan Universitas Islam Negeri Syarif Hidayatullah," *Jurnal Masyarakat & Budaya* 16, no. 2 (2014): 293–304, <https://www.e-jurnal.com/2017/02/otonomi-dan-tata-kelola-perguruan.html>.

⁴³ Herlambang Perdana Wiratraman and Satria Unggul Wicaksana Prakasa, "Two Decades of Academic Freedom in Indonesia: The Challenges of the Rise of Authoritarianism in Its New Model," *Jurnal HAM* 15, no. 2 (2024): 143–58, <https://doi.org/http://dx.doi.org/10.30641/ham.2024.15.85-94>.

⁴⁴ Wiratraman and Prakasa.

⁴⁵ Tonja M. Woods et al., "Academic Freedom Should Be Redefined: Point and Counterpoint," *American Journal of Pharmaceutical Education* 80, no. 9 (November 2016): 146, <https://doi.org/10.5688/ajpe809146>.

⁴⁶ Beni Kurnia Illahi, "Internalisasi Nilai Antikorupsi Melalui Pencegahan Dan Pengendalian Benturan Kepentingan Di Perguruan Tinggi," *Supremasi Hukum: Jurnal Penelitian Hukum* 28, no. 2 (September 16, 2019): 136–52, <https://doi.org/10.33369/jsh.28.2.136-152>.

⁴⁷ Mohammad Mahfud MD, "Perspektif Politik Dan Hukum Tentang Kebebasan Akademik Dan Kritik Sosial," *Unisia* 32 (1997): 33–43, <https://doi.org/https://doi.org/10.20885/unisia.v0i32.5856>.

point, the freedom of people in the university can be interpreted as the academic freedom of the academic community to conduct scientific activities, including writing the results of studies, research, and discussions that meet scientific criteria.⁴⁸ Furthermore, academic freedom can be defined as the freedom possessed by members of the academic community to be responsible and independent in their efforts to master and develop science and technology that support national development.⁴⁹

If the Ministry of Research and Technology wants to play a role in the rector selection, it is sufficient to establish selection rules. The selection process and its determination are carried out autonomously. Ministerial intervention in PTN should not be at the level of a 35% share ownership of votes. Still, it can also be realised in the form of strict supervision during the rector selection, ensuring that it takes place in a transparent, accountable, and democratic manner. The development of higher education management must lead to dynamic, efficient and effective management.⁵⁰ To achieve such higher education management, the independence of higher education is needed, meaning that the management of higher education must be free from political interference and government bureaucracy.⁵¹

Government Intervention in Rector Selections and Its Implications for Academic Freedom in Higher Education Institutions

Based on Law No. 12/2012 on Higher Education, Article 1 defines the concept of "government" as comprising the central government, specifically the president as the holder of government power, local governments, and ministries, which are government officials responsible for managing government affairs in the field of education.⁵² The ministry, as a government apparatus, has responsibilities in the field of education. Article 7 of Law No. 12/2012 concerning Higher Education stipulates that the Minister responsible for higher education holds the primary authority for the administration of higher education in Indonesia.⁵³

⁴⁸ Michael K. McLendon, "The Politics of Higher Education: Toward an Expanded Research Agenda," *Educational Policy* 17, no. 1 (January 1, 2003): 165–91, <https://doi.org/10.1177/0895904802239291>.

⁴⁹ Monika Stachowiak-Kudła et al., "Academic Freedom as a Defensive Right," *Hague Journal on the Rule of Law* 15, no. 1 (April 9, 2023): 161–90, <https://doi.org/10.1007/s40803-022-00188-4>.

⁵⁰ Linda Lambey et al., "Challenges and Opportunities to Internationalize the Indonesian Higher Education Sector," in *International Business - New Insights on Changing Scenarios* (London: IntechOpen, 2024), <https://doi.org/10.5772/intechopen.110658>.

⁵¹ Muslim Afandi et al., "Analysis of Education Autonomy Policy in Indonesia," *Journal of Government Science (GovSci) : Jurnal Ilmu Pemerintahan* 3, no. 2 (July 30, 2022): 85–99, <https://doi.org/10.54144/govsci.v3i2.32>.

⁵² Soovendran Varadarajan, Joyce Hwee Ling Koh, and Ben Kei Daniel, "A Systematic Review of the Opportunities and Challenges of Micro-Credentials for Multiple Stakeholders: Learners, Employers, Higher Education Institutions and Government," *International Journal of Educational Technology in Higher Education* 20, no. 1 (February 28, 2023): 13, <https://doi.org/10.1186/s41239-023-00381-x>.

⁵³ Eko Purwanti, "Preparing the Implementation of Merdeka Belajar – Kampus Merdeka Policy in Higher Education Institutions," in *Proceedings of the 4th International Conference on Sustainable Innovation 2020—Social, Humanity, and Education (ICoSIHESS 2020)* (Paris, France: Atlantis Press, 2021), <https://doi.org/10.2991/assehr.k.210120.149>.

This responsibility encompasses regulation, planning, supervision, monitoring, evaluation, guidance, and coordination of the overall implementation of higher education. In terms of duties and authority, the Minister plays a strategic role in various aspects of higher education governance. Firstly, the Minister sets general policies for the development and coordination of higher education as an integral part of the national education system, to achieve the objectives of higher education. Secondly, the Minister formulates national policies and prepares sustainable long-term, medium-term, and annual development plans for higher education.

Furthermore, the Minister is responsible for improving quality assurance in higher education, including relevance, affordability, equitable distribution, and access. Other responsibilities include strengthening the academic and resource management capacities of higher education institutions, as well as granting or revoking operational licenses for these institutions, except for those related to religious higher education, which falls under a different jurisdiction. In addition, the Minister establishes general policies for mobilising and utilising the full potential of society in support of higher education development. To promote participatory and inclusive policy-making, the Minister may establish councils, assemblies, commissions, and/or consortia involving members of the public to help formulate higher education development policies.⁵⁴

This provision demonstrates that the ministerial authority granted by the law is a general authority for managing higher education. Law No. 12/2012 does not explicitly mention the Minister of Education's involvement in the process of selecting rectors. The law as a whole gives authority to the minister in the fields of regulation, planning, supervision, monitoring, and evaluation, as well as guidance and coordination. The regulation on these authorities is regulated in Government Regulation No. 14/2014 on the Implementation of Higher Education and Management of Higher Education.⁵⁵

Following Article 4 of Law Number 12 of 2012 on Higher Education, the Minister, in carrying out responsibilities in the field of regulation as stated in Article 3 letter a, is granted the duty and authority to regulate several key aspects within the higher education system. These regulatory powers encompass the formulation and implementation of policies related to the structure and governance of the higher education system, as well as the financial framework and budgeting for higher education. Moreover, the Minister is responsible for regulating the protection and fulfilment of students' rights, ensuring equitable access to higher education across various regions and social groups. The regulation also extends to maintaining and enhancing the quality of higher education, aligning educational outcomes with

⁵⁴ Maria Dita Kristiana, "Politics of Law on School Days Policy: Legal Reform on Indonesian Education Policy," *Journal of Law and Legal Reform* 1, no. 1 (October 15, 2019): 5–24, <https://doi.org/10.15294/jllr.v1i1.35405>.

⁵⁵ Brian Bottor Lubis and Adhitya Widya Kartika, "Regulatory Harmonization of Academic Freedom Provisions in the National Education System," *Lex Publica* 11, no. 1 (2024): 201–220, <https://doi.org/https://doi.org/10.58829/lp.11.1.2024.201-220>.

societal and labour market needs (relevance), and ensuring the overall availability and accessibility of higher education opportunities for all citizens.

Article 5 of Law Number 12 of 2012 outlines the Minister's duties and authorities in the field of planning, as referred to in Article 3, letter b. In this regard, the Minister is entrusted with several key responsibilities to ensure the strategic and sustainable development of higher education in Indonesia. *Firstly*, the Minister is responsible for formulating and establishing national general policies for the development and coordination of higher education. *Secondly*, the Minister also formulates and sets general policies related to the mobilisation and utilisation of the community's potential to support the development of higher education. Based on these general policies, the Minister develops higher education through the preparation of a hierarchical planning system, which includes: a 25-year long-term development plan, a 5-year medium-term development or strategic plan, and an annual work plan. All planning activities must align with applicable laws and regulations to ensure coherence and legal certainty in the governance of higher education.⁵⁶

Article 6 of Law Number 12 of 2012 defines the Minister's responsibilities in the areas of supervision, monitoring, and evaluation, as outlined in Article 3, letter c. Within this mandate, the Minister holds specific duties and authorities aimed at maintaining and enhancing the quality of higher education throughout the nation.⁵⁷ One of the core responsibilities is to establish national higher education standards, which serve as the benchmark for academic quality, institutional governance, and learning outcomes across all higher education institutions. These standards form the foundation for ensuring consistency, excellence, and national competitiveness in the higher education system. Additionally, the Minister is tasked with formulating and implementing a quality assurance system for higher education.⁵⁸ This system is designed to monitor performance, evaluate institutional effectiveness, and promote continuous improvement, thereby ensuring that higher education institutions meet established standards and respond effectively to societal and developmental needs.

Furthermore, Article 7 of Law Number 12 of 2012 elaborates on the Minister's duties and authorities in the area of guidance and coordination, as stipulated in Article 3, letter d. These responsibilities are critical in ensuring the effective functioning, inclusivity, and relevance of higher education institutions across Indonesia. As part of this mandate, the Minister is authorised to grant and revoke

⁵⁶ Mae Chu Chang et al., *Teacher Reform in Indonesia: The Role of Politics and Evidence in Policy Making* (Washington DC: Washington, DC: World Bank, 2014), <https://doi.org/10.1596/978-0-8213-9829-6>.

⁵⁷ Muhammad Rosiawan et al., "Formulating a Comprehensive Model for the Indonesian National Standard (SNI) Awards: The Higher Education Category," *The TQM Journal*, February 27, 2025, <https://doi.org/10.1108/TQM-05-2024-0182>.

⁵⁸ Indrawati Yuhertiana et al., "The Impact of Indonesia New Higher Education Accreditation Criteria Implementation," *Journal of Critical Reviews* 7, no. 03 (January 1, 2020): 241–46, <https://doi.org/10.31838/jcr.07.03.45>.

permits for the establishment of universities and the opening of study programs—excluding religious higher education institutions. This includes the issuance, amendment, and revocation of operational licenses for private universities (PTS), as well as the granting and withdrawal of permissions for study programs at both public (PTN) and private universities.⁵⁹

Furthermore, the Minister is tasked with stabilising and enhancing the capacity of academic management and institutional resource governance. This is achieved through regular evaluations of how higher education institutions implement the National Higher Education Standards, ensuring continuous quality improvement and accountability. The Minister also plays a key role in improving the relevance, affordability, equitable distribution, and accessibility of higher education on a sustainable basis. This includes aligning higher education development with both national and regional priorities, determining operational costs and subsidy allocations for public technical and vocational institutions (Perguruan Tinggi Vokasi or PTNv), and expanding access to higher education for economically disadvantaged students, as well as those from remote, outermost, and underdeveloped areas. A further aim is to raise the national gross enrollment rate for higher education.⁶⁰

Additionally, the Minister facilitates the establishment of councils, assemblies, commissions, and/or consortia that involve public participation to help formulate policies for the development of higher education. These bodies may contribute to the advancement of the Tridharma of Higher Education,⁶¹ which encompasses education, research, and community service, as well as the development of various clusters and branches of science and technology.

The above regulations do not authorise the minister to be involved in the rector selection process. However, the ministry's intervention in selecting the rector is explicitly mentioned in Government Regulation No. 14/2014 on the Implementation of Higher Education and Management of Higher Education No.14/2014), Article 29 paragraph (2) states that, "the head of higher education as referred to in paragraph (1) letter b is appointed and dismissed by the minister".⁶²

Refers to Higher Education Regulation Number 19 of 2017 concerning the Appointment and Dismissal of Leaders of State Universities, in Article 9, paragraph (3), paragraph 4 and paragraph 5 states: Following the law, the selection of leaders for PTN, as referred to in paragraph (2), is conducted through a voting mechanism

⁵⁹ Ia Hidarya, Achmad Mudrikah, and R. Supyan Sauri, "Implementation of Regulation of The Minister of Religion Number 2 of 2012 for Islamic Education Supervisors at Schools in The Department of Education in Sukabumi Regency," *International Journal of Nusantara Islam* 8, no. 2 (December 26, 2020): 226–39, <https://doi.org/10.15575/ijni.v8i2.11082>.

⁶⁰ Abdul Jalil and Ramadhan Tosepu, "Transformation of University Vision and Mission Under New Leadership: Strategic Steps Towards a Global University," *Journal of Law, Social Science and Management* 2, no. 1 (2025): 145–66, <https://stikbar.org/ycabpublisher/index.php/jlsm/article/view/1380>.

⁶¹ The Tridharma Perguruan Tinggi (Higher Education) are the three main pillars that form the foundation of every university in Indonesia, consisting of education (teaching), research, and community service.

⁶² Gaus, "Philosophy and Politics in Higher Education."

involving both the Minister and the University Senate. The voting rights are distributed as follows: the Minister holds 35% of the total voting rights of the voters present. In comparison, the University Senate holds the remaining 65%, with each member having equal voting power. To exercise the Minister's share of voting rights, a performance assessment team is established by the Minister. This team is responsible for evaluating candidates for leadership positions at PTN. The results of this evaluation serve as a key consideration for the Minister in determining how to exercise their voting rights during the selection process.⁶³ This mechanism aims to ensure that the selection of university leaders is carried out transparently, objectively, and based on merit.

Based on this article, it shows that the minister's intervention in the rector selection is not a duty, function or obligation, but a right. Then the fundamental question is, what is the urgency of the Minister's intervention in the rector selection?

This question serves as the basis for measuring the legitimacy of the 35% right given to the Ministry in the selection of rectors. In principle, there are three possible criteria for legitimacy: sociological legitimacy, legality, and ethical legitimacy.⁶⁴ In this paper, the author focuses on legality and ethical legitimacy. First, legality, basing political authority on legality is ultimately a regressus ad infinitum (endless retreat) because the positive law that underlies legality always has to be based on another positive law.⁶⁵ This shows that the presence of Permenristekdikti and the government regulation a quo that gives legitimacy to the Minister of Education to be involved in the rector selection, is it in line with the higher education law? Given that the higher education law regulates the Minister's responsibility for implementing higher education, it only covers regulation, planning, supervision, monitoring, evaluation, as well as guidance and coordination. Second, ethical legitimacy questions the validity of the authority of political power in terms of moral norms, suggesting that all state actions can (and must) be examined in light of ethical standards.⁶⁶ Such questioning is an essential element in directing power and the use of policy in ways that are increasingly in line with the demands of a just and civilised humanity.⁶⁷

As public institutions, universities have a legal obligation to fulfil their duties as established by government regulations. Appointment by the minister is

⁶³ Agustian Sutrisno, "Corrupt at All Levels?: Indonesian Higher Education and the Problem of Corruption," in *Corruption in Higher Education* (Leiden, The Netherlands: Brill | Nijhoff, 2020), 132–37, https://doi.org/10.1163/9789004433885_020.

⁶⁴ N. P. Adams, "The Concept of Legitimacy," *Canadian Journal of Philosophy* 52, no. 4 (May 7, 2022): 381–95, <https://doi.org/10.1017/can.2022.35>.

⁶⁵ Jonathan Gienapp, "Written Constitutionalism, Past and Present," *Law and History Review* 39, no. 2 (May 29, 2021): 321–60, <https://doi.org/10.1017/S0738248020000528>.

⁶⁶ Ross Mittiga, "Political Legitimacy, Authoritarianism, and Climate Change," *American Political Science Review* 116, no. 3 (August 6, 2022): 998–1011, <https://doi.org/10.1017/S0003055421001301>.

⁶⁷ Prakoso Prakoso, Fathur Rokhman, and Eko Handoyo, "Pancasila as a Foundation for Legal Reform: Evaluating the Impact of Civic Education on Indonesian Legal Systems," *Journal of Law and Legal Reform* 5, no. 3 (October 31, 2024): 1429–68, <https://doi.org/10.15294/jllr.v5i3.16498>.

considered to ensure that the leadership is accountable for the policies and actions taken. With the minister as the appointor, there is a precise accountability mechanism. College leaders must account for their performance to the minister and, in turn, to the public. Appointments made through transparent and merit-based mechanisms can create a meritocratic system that strengthens professionalism in higher education.⁶⁸

However, this differs from the assumption of various groups that government intervention can influence the rector's decisions and policies, as well as its potential impact on freedom of speech.⁶⁹ Meanwhile, in developing science and technology in higher education, it must be carried out by academic freedom and scientific expression (see Article 8, paragraph 3 of Law No. 12/2012). Explanation of Article 8 paragraph (1) of Law No. 12/2012 Article 8 Paragraph (1) explains that what is meant by "academic" in "academic freedom" and "freedom of academic pulpit" is something scientific or theoretical that is developed in Higher Education and is free from the influence of practical politics.

The explanation of academic freedom, according to the World University Service the Lima Declaration on Academic Freedom and Autonomy of Institutions of Higher Education:⁷⁰

“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”.

Academic freedom is an essential precondition for those education, research, administrative and service functions with which universities and other institutions of higher education are entrusted.⁷¹ All member of the academic community have the right to fulfil their functions without discrimination of any kind and fear of interference or repression from the state or any other source.⁷²

In addition to guaranteeing academic freedom, the Higher Education Law (UUP) also affirms the institutional autonomy of universities, as explicitly stipulated in Article 62. According to this provision, higher education institutions possess the autonomy to govern themselves as centres for the implementation of the Tridharma of Higher Education, which includes education, research, and

⁶⁸ Toby Napoletano, “Meritocracy, Meritocratic Education, and Equality of Opportunity,” *Theory and Research in Education* 22, no. 1 (March 23, 2024): 3–18, <https://doi.org/10.1177/14778785241226662>.

⁶⁹ Al-Fatih et al., “Academic Freedom of Expression in Indonesia: A Maqashid Sharia Notes.”

⁷⁰ Laksiri Fernando, “The Lima Declaration on Academic Freedom and Autonomy of Institutions of Higher Education,” *Higher Education Policy* 2, no. 1 (March 1, 1989): 49–51, <https://doi.org/10.1057/hep.1989.14>.

⁷¹ Ewelina K. Niemczyk and Zoltán Rónay, “Roles, Requirements and Autonomy of Academic Researchers,” *Higher Education Quarterly* 77, no. 2 (April 9, 2023): 327–41, <https://doi.org/10.1111/hequ.12403>.

⁷² Liliana M. Garces et al., “Repressive Legalism: How Postsecondary Administrators’ Responses to On-Campus Hate Speech Undermine a Focus on Inclusion,” *American Educational Research Journal* 58, no. 5 (October 27, 2021): 1032–69, <https://doi.org/10.3102/00028312211027586>.

community service. This institutional autonomy enables universities to independently manage their academic, administrative, and financial affairs in alignment with their respective foundational principles, institutional goals, and internal capacities. The exercise of this autonomy must remain consistent with the vision and mission of each institution, while also adhering to national education standards and regulatory frameworks. This legal guarantee of autonomy is essential in fostering innovation, academic integrity, and responsive governance within higher education institutions.⁷³

The autonomy of higher education has also been explained in the world university service the lima declaration on academic freedom and autonomy of institution of higher education, that; About autonomy of institutions of higher education, explained 'Autonomy' means the independence of institution of higher education from the state and all other forces of society, to make decisions regarding its internal government, finance, administration, and to establish its policies of education.⁷⁴

Academic freedom is the personal responsibility of the academic community, which must be protected and facilitated by university leaders (vide Article 8, paragraph 3 of Law No. 12/2014). Apart from being a place of learning for students and the community, higher education itself has a function and role as a centre of policy and moral strength to seek and find the truth; and also as a centre for the development of national civilisation (vide Article 58 paragraph (1) of Law No. 12/2014). Higher education leaders, as the front guard in protecting and facilitating the academic community, of course, need to have integrity and be free from the influence of various parties. Integrity is being principled, honourable, fair, courageous, and acting with whole impetus, not two-faced or acting according to one's lust or justifying one's philosophy without paying attention to its principles.⁷⁵

Government intervention in rector selection can be a political tool that can reduce academic independence.⁷⁶ Politicisation refers to the process by which certain aspects of public life or institutions are affected by political interests. In the context of rector selection, politicisation can occur when the process is not based on academic or professional criteria, but rather on political affiliation. Based on the legitimacy theory by Dowling and Pfeffer (1975), which prioritises the interests of stakeholders to maximise the prosperity and success of a company or institution,

⁷³ Ryan Surya Pradhana, "Autonomy of Financial Management at State College With Legal Entity," *Jurnal Hukum Peratun* 4, no. 2 (August 31, 2021): 171–90, <https://doi.org/10.25216/peratun.422021.171-190>.

⁷⁴ Sudirman Sudirman et al., "The Transformation of State Islamic Higher Education Institutions into World-Class University: From Globalisation to Institutional Values," *Social Sciences & Humanities Open* 12 (2025): 101705, <https://doi.org/10.1016/j.ssaho.2025.101705>.

⁷⁵ Satria Unggul Wicaksana Prakasa, "Paradigm of Law and Human Rights as a Protection of Academic Freedom in Indonesia," *Human Rights in the Global South (HRGS)* 2, no. 1 (July 31, 2023): 37–52, <https://doi.org/10.56784/hrgs.v2i1.41>.

⁷⁶ Julie Rowlands, *Academic Governance in the Contemporary University* (Singapore: Springer Singapore, 2017), <https://doi.org/10.1007/978-981-10-2688-1>.

actions considered legitimate by society can affect trust in the institution.⁷⁷ Therefore, if the selection of the rector is perceived as the result of political interference, it can erode the university's legitimacy in the eyes of the public and undermine trust in the quality of academic leadership.

Additionally, in power theory, political influence can significantly impact the decision-making process in higher education. Parties with political power can use their influence to ensure the selection of rectors who align with their political agenda, potentially compromising academic values and independence. This aligns with the institutional view of politics, which regards it as closely tied to state administration. In this context, Max Weber defines politics as a competition to share power or influence the distribution of power between countries or within a country.⁷⁸

This will undoubtedly influence academic policy; rectors appointed through a political process may tend to overlook academic policies that are not aligned with political interests. This can result in decision-making that prioritises political interests over educational and research needs. In Émile Durkheim's Social and Structural theory, it is explained that society is a unity in the form of a system comprising different parts. balance in the system can be realised when each sub-system can run well. Each part is interrelated and interdependent.⁷⁹ So that if one of the sub-systems does not perform its function, a pathological condition arises where the balance of the system is disturbed.⁸⁰ In the context of a university, the campus is an institution (system) consisting of several parts (subsystems) in the form of the entire academic community. Therefore, for a system to run well, the involvement of subsystems must be accommodated, ensuring that all parts of the system can function properly. This situation will eventually resolve itself once normal conditions are established that can be sustained. So that in creating normal conditions, the thing that must be prioritised is the internal part of a system.

External environmental influences, including politics, can significantly shape an institution's culture.⁸¹ If the rector is chosen based on political affiliation, this can create a culture that does not support academic freedom, where staff and students feel pressured to conform their views to the dominant political position.⁸² The balance of power, therefore, demonstrates the importance of the separation of

⁷⁷ Shuo Yao, John Brummette, and Yi Luo, "Balancing between Organizations and Society: Exploring Chinese Organizations' Legitimacy Efforts," *Corporate Communications: An International Journal* 20, no. 1 (February 2, 2015): 90–110, <https://doi.org/10.1108/CCIJ-08-2013-0054>.

⁷⁸ Nicholas Gane, "Max Weber as Social Theorist," *European Journal of Social Theory* 8, no. 2 (May 1, 2005): 211–26, <https://doi.org/10.1177/1368431005051764>.

⁷⁹ N. Jayaram, *Individual and Society: Understanding the Sociology of Émile Durkheim* (Singapore: Springer Nature Singapore, 2024), <https://doi.org/10.1007/978-981-97-6944-5>.

⁸⁰ Herman Aksom, "Organizational Disintegration," *Social Science Information* 63, no. 4 (December 26, 2024): 413–42, <https://doi.org/10.1177/05390184241303820>.

⁸¹ Daron Acemoglu and James A. Robinson, "Culture, Institutions, and Social Equilibria: A Framework," *Journal of Economic Literature* 63, no. 2 (June 1, 2025): 637–92, <https://doi.org/10.1257/jel.20241680>.

⁸² William Tierney, "Academic Freedom and the Parameters of Knowledge," *Harvard Educational Review* 63, no. 2 (July 1, 1993): 143–61, <https://doi.org/10.17763/haer.63.2.5625h5mn0362hm00>.

powers in maintaining independence. If the selection of rectors is overly influenced by political power, this balance can be disrupted, resulting in a reduction in the universities' ability to operate independently.

Politicisation in rector selections can have a long-term impact on the reputation and integrity of educational institutions. As public trust declines, students, staff, and researchers may be less likely to engage with institutions that are perceived as not independent.⁸³ With these aspects in mind, universities must maintain a fair and independent process for electing rectors to ensure they continue to perform their academic functions without undue political influence.

In contrast to Indonesia, some foreign countries choose a method of rector selection that does not involve the government. The government only carries out its primary duties and responsibilities, namely as a policy maker, so that the freedom granted to universities does not lead to abuse of power by university leaders. Some countries include:

In the United States, in many universities, the chancellor is selected by the governing board or the highest body of the university, with active participation from faculty and students.⁸⁴ Government intervention is minimal. This system tends to preserve academic independence, as selection is based on merit and academic vision, not political affiliation.⁸⁵ In Poland, the model of nomination and appointment of the rector determines his relationship with the university council, senate, and academic community as well.⁸⁶ In Germany, the rector is appointed by the university senate, which consists of faculty, staff, and student representatives, with oversight from the federal or state government.⁸⁷ Despite government regulation, the academic community-based selection mechanism affords the rector a high degree of independence, although there is still pressure to adhere to national education policy.⁸⁸

⁸³ Ceyhun Elgin, "Political Appointments to Rector Positions: A Shifting Landscape in Turkish Academia," *Discover Education* 3, no. 1 (July 24, 2024): 110, <https://doi.org/10.1007/s44217-024-00200-z>.

⁸⁴ Gwilym Croucher, "Academic Democracy in the Age of Corporate Governance: Addressing Challenges to Widening Participation in University Governance," *Higher Education Quarterly* 79, no. 3 (July 8, 2025), <https://doi.org/10.1111/hequ.70043>.

⁸⁵ David D. Dill, "Management and Governance of the Modern University: Variations in the United States," in *Handbook on Higher Education Management and Governance* (Cheltenham: Edward Elgar Publishing, 2023), 96–111, <https://doi.org/10.4337/9781800888074.00017>.

⁸⁶ Anna Waligóra and Marcin Górski, "Reform of Higher Education Governance Structures in Poland," *European Journal of Education* 57, no. 1 (March 3, 2022): 21–32, <https://doi.org/10.1111/ejed.12491>.

⁸⁷ Marian Döhler et al., "The Variance of German University Governance: Exploring the Effects of Organizational Field Positions," *Higher Education Policy* 38, no. 1 (March 7, 2025): 28–51, <https://doi.org/10.1057/s41307-023-00332-1>.

⁸⁸ Abdullah Murat Tuncer, "Election as a Rector Appointment System in Turkish Universities; Academic Freedom or Autonomy?," *International Journal of Research and Innovation in Social Science* 06, no. 04 (2022): 273–76, <https://doi.org/10.47772/IJRISS.2022.6417>.

This comparison shows that countries with more autonomous and academically based community selection mechanisms tend to maintain better rector independence. Conversely, countries with high government intervention in the selection of rectors risk a reduction in academic freedom. In a global context, striking a balance between public accountability and academic independence is crucial to support high-quality higher education.

The Ideal Regulatory Design of the Rectors' Selection at Higher Education Institutions

The comparison of the rector selection between Indonesia and international countries has provided an ideal design for formulating the rector selection in Indonesia in the future. The perfect design of the rector selection in Indonesia should consider three main aspects: transparency, meritocracy, and independence. First, transparency is defined as a concept of openness that allows the public to participate actively in governance or policy-making processes.⁸⁹ In the context of the rector selection, transparency is often interpreted as the openness of the rector selection process at every stage.⁹⁰ Lecturers, students, and staff are the parties who will feel the direct impact on the leadership of the rector at the University.⁹¹ Therefore, in the selection, considerable space should be given to determine the figure of the rector who will lead it. Permenristekdikti No. 19/2017, as a reference to the regulation in question, has regulated the rector selection procedures, including the number of voting rights obtained by the parties involved. Interestingly, out of a total of 100 per cent of the voting rights, 35% are allocated to Menristekdikti.⁹² At the stage of voting by the minister, there is no precise measure, background, or inclusion of reasons, which has an impact on the number of rector candidates who are selected at the senate level and ultimately fail or lose at the ministerial vote.⁹³ Based on the principle of transparency, the rector selection in each stage should be open to the public, both at the senate and ministry levels. If this practice is maintained, it will potentially damage the university education system with a selection design that is almost identical to practical politics. Therefore, to fulfil the principle of transparency, two mechanisms can be used, namely improving the openness of the selection system at the ministry level or leaving the rector selection

⁸⁹ Sounman Hong, Suho Ji, and Taek Kyu Kim, "Political Determinants of Government Transparency: Evidence from Open Government Data Initiatives," *Politics & Policy* 52, no. 3 (June 30, 2024): 633–54, <https://doi.org/10.1111/polp.12607>.

⁹⁰ Jesus Rosa-Bilbao and Juan Boubeta-Puig, "RectorDApp: Decentralized Application for Managing University Rector Elections," in *2021 IEEE International Conference on Service-Oriented System Engineering (SOSE)* (Oxford: IEEE, 2021), 161–65, <https://doi.org/10.1109/SOSE52839.2021.00024>.

⁹¹ Saipul Wakit, Ilfi Nurdiana, and Indah Yuliana, "The Chancellor's Leadership Style in Improver Lecturer Performance at the University of Muhammadiyah Jember," *Halaqa: Islamic Education Journal* 5, no. 2 (June 29, 2021): 99–118, <https://doi.org/10.21070/halaqa.v5i2.1433>.

⁹² Furtasan Ali Yusuf, "The Independent Campus Program for Higher Education in Indonesia: The Role of Government Support and the Readiness of Institutions, Lecturers, and Students," *Journal of Social Studies Education Research* 12, no. 2 (2021): 280–303, <https://www.jsser.org/index.php/jsser/article/view/3283>.

⁹³ Siti Juliantari Rachman and Emerson Yuntho, "Pola-Pola Korupsi Di Perguruan Tinggi" (Jakarta, 2023), <https://www.antikorupsi.org/id/pola-pola-korupsi-di-perguruan-tinggi>.

at the senate level. The ministry's position is now at the stage of appointing the selected rector, rather than at the stage of selection.

Second, meritocracy, which is interpreted as a concept of achieving a position based on performance and competence.⁹⁴ This concept presents a valuable opportunity for enhancing bureaucratic governance. In the context of the rector selection, there is no longer a rector who is selected based on closeness to the senate or even due to political relations at the ministerial level; his selection is purely based on his capacity and competence.⁹⁵ The understanding of the competencies possessed by the rector candidates extends to the campus level, as well as among lecturers, staff, and students. The ministry cannot assess the competence of rector candidates within the campus bureaucratic structure, which the ministry may be aware of, namely, through the administrative sector, even if there is a direct connection with the ministry. To assess the competencies possessed by the rector candidates, here the author is interested in the concept offered by Farid Wajdy in his article entitled *Analysis of Rector Selection System with Analytical Hierarchy Process (AHP) Method*, this article provides a way of assessing the competence of rector candidates by referring to 9 assessment indicators, namely: Service Orientation, Integrity, Responsibility, Commitment, Leadership, Cooperation, Work Achievement, Insight and Communicative.⁹⁶ These nine indicators have direct implications for lecturers, staff, and students. The ministry has never been in direct contact with the nine indicators, so it cannot be categorised as knowing the competence of rector candidates. Therefore, in the context of a meritocracy, the right to choose the rector is held by lecturers, students, and staff, not the ministry.⁹⁷ The presence of the ministry as a party with the right to choose does not guarantee an objective assessment based on ability. Still, it will be possible to depart from the government's political interests.⁹⁸ This can be seen in several cases of rectors who were selected at the university level but failed at the ministry level.

⁹⁴ Agil Sabani et al., "Pentingnya Implementasi Sistem Meritokrasi Dalam Instansi Pemerintahan Indonesia," *Aktivisme: Jurnal Ilmu Pendidikan, Politik Dan Sosial Indonesia* 1, no. 3 (June 11, 2024): 144–52, <https://doi.org/10.62383/aktivisme.v1i3.333>.

⁹⁵ Fridiyanto, "Manajemen Konflik Di Perguruan Tinggi Islam Studi Kasus Konflik Pemilihan Rektor Di UIN Maliki Malang, IAIN Sultan Thaha Syaifuddin Jambi, IAIN Mataram, Dan IAIN Imam Bonjol."

⁹⁶ Farid Wajdy, "Analisis Sistem Pemilihan Rektor Dengan Metode AHP (Analytical Hierarchy Process)," *Journal Speed – Sentra Penelitian Engineering Dan Edukasi* 8, no. 2 (2016), <https://doi.org/http://doi.org/10.3112/speed.v12i1.1037>.

⁹⁷ Zulfa Sakhiyya and Kirsten Locke, "Empowerment vs. Meritocracy Discourses in Indonesian Public Universities: The Case of Female Leaders," *Asian Journal of Women's Studies* 25, no. 2 (April 3, 2019): 198–216, <https://doi.org/10.1080/12259276.2019.1610210>.

⁹⁸ Christopher Chandra, Theresia Intan Putri Hartiana, and Nanang Krisdinanto, "Melawan Extraordinary Crime Bernama Plagiarisme : Sebuah Bingkai Di Liputan Utama Tempo," *MEDLAKOM* 6, no. 01 (June 27, 2023): 34–61, <https://doi.org/10.32528/mediakom.v6i01.272>.

Third, Independence is an attitude that is free and impartial to a matter.⁹⁹ In the context of rector selection, independence means that there should be no political interests involved. Creating a rector selection environment that is free from political pressure and external factors is a concrete step that must be implemented.¹⁰⁰ Therefore, the intervention of ministers in selecting rector candidates is a concept that is not ideal, as ministers are formed through practical politics and have a background of serving the interests of political parties or the president in power.¹⁰¹ The minister's intervention will set a bad precedent in the rector selection process, as it will weaken the independence aspect in running the campus bureaucracy after the selection. A concrete example is the silencing of student voices, as seen in the case of Badan Eksekutif Mahasiswa Fakultas Ilmu Sosial dan Ilmu Politik Universitas Airlangga, which was suspended after sending a satirical wreath to Prabowo-Gibran.¹⁰² This is one form of the negative impact of the rector selection with ministry intervention.

An overview of the design of the rector selection process can be seen in the figure below:

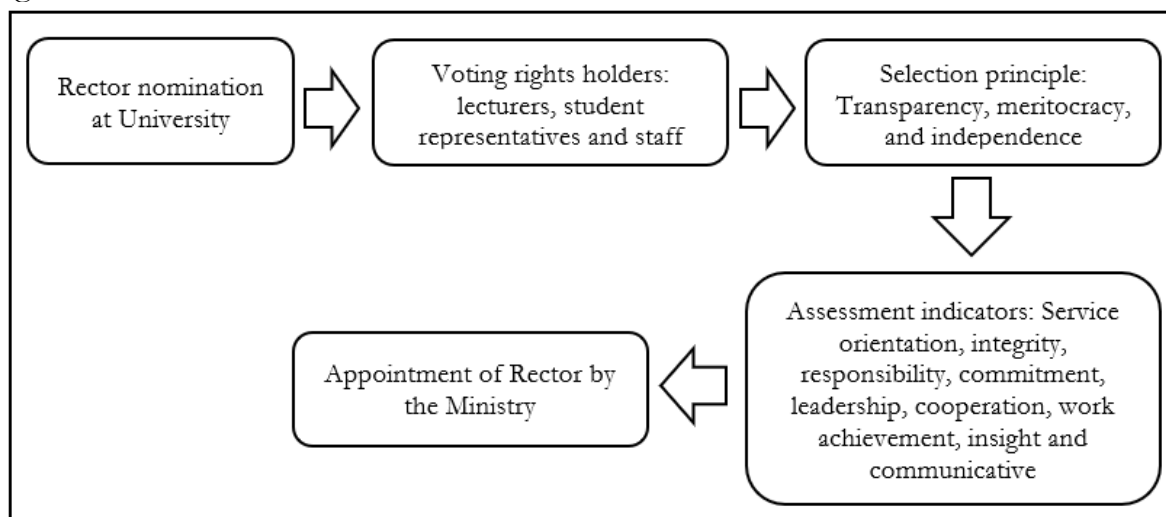


Figure 2. The ideal concept of rector selection is as follows:

Source: Processed by the author

⁹⁹ Krishna Kamil and Nadya Fathonah, "The Effect of Independence, Integrity, Professionalism, and Professional Skepticism on the Accuracy of Giving Audit Opinion (The Case of Audit Board of the Republic of Indonesia)," in *Proceedings of the Annual International Conference on Accounting Research (AICAR 2019)* (Paris, France: Atlantis Press, 2020), <https://doi.org/10.2991/aebmr.k.200309.002>.

¹⁰⁰ Muhammad Anwar Rube'i and Rohani Rohani, "Pelaksanaan Nilai-Nilai Demokrasi Berdasarkan Sila Ke-Empat Pancasila Dalam Pemilihan Rektor IKIP PGRI Pontianak,," *Jurnal Pendidikan Kewarganegaraan* 4, no. 1 (June 4, 2020): 59, <https://doi.org/10.31571/pkn.v4i1.1721>.

¹⁰¹ Ni'matul Huda, "Kedudukan Dan Materi Muatan Peraturan Menteri Dalam Perspektif Sistem Presidensial," *Jurnal Hukum Ius Quia Iustum* 28, no. 3 (September 1, 2021), <https://doi.org/10.20885/iustum.vol28.iss3.art5>.

¹⁰² Anastasya Lavenia Yudi, "BEM FISIP Unair Dibekukan, KIKA: Seperti Kembali Ke Era Soeharto,," *Tempo.Co*, October 28, 2024, <https://www.tempo.co/politik/bem-fisip-unair-dibekukan-kika-seperti-kembali-ke-era-soeharto-1160559>.

The framework in the figure illustrates the ideal design of rector selection in Indonesian public universities that emphasises the principles of transparency, meritocracy, and independence. The process begins with the nomination of the rector at the university level, which is then selected by the owners of voting rights, namely lecturers, student representatives, and educational staff. The intervention of all elements of the academic community reflects the principles of transparency and active participation of the campus community. Furthermore, the selection process must refer to the principle of meritocracy, where rector candidates are assessed based on competency indicators such as service orientation, integrity, responsibility, commitment, leadership, cooperation, work achievement, insight, and communication skills. This assessment can only be done objectively by internal campus elements who experience the direct impact of the rector's leadership. Once the selection process is complete, the selected rector is administratively appointed by the ministry without any interference in the selection process. Thus, this design aims to create a rector selection that is free from political intervention, professional, and capable of strengthening autonomy and promoting good campus governance.

Conclusion

The intervention of the government, in this case the Ministry of Education and Culture in the selection of the rector of the Higher Education Rector raises various dynamics among academics, students, education activists, and the general public. This government intervention is considered to compromise the independence of universities and academic freedom; even the existence of ministerial votes in the selection of rectors is proof that the campus is merely a subsidiary of the government. Normatively, the minister's intervention is not fundamentally legitimate. Given that the higher education law does not provide space for ministers to be involved in internal campus affairs. The government's intervention in the selection of rectors has a significant impact on the independence of higher education and its ability to respond to the state's social issues, making it susceptible to politicisation by the government. Compared to other countries, some foreign nations opt for a method of rector selection that does not involve the government. The government only carries out its primary duties and responsibilities, namely as a policy maker, so that the freedom granted to higher education institutions is protected. The ideal design of the rector selection process to ensure academic freedom emphasises three principles: transparency, meritocracy, and independence. In this context, the ministry only acts as a regulator of the selection mechanism and the appointment of the selected rector. Voting rights for rector selections are limited only to lecturers, students and staff.

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