

**PROTECTION OF ACADEMIC FREEDOM FOR SCHOLARS IN
INDONESIA UNDER THE UNIVERSAL DECLARATION OF HUMAN
RIGHTS**

UNDERGRADUATE THESIS



This Undergraduate Thesis is submitted as one of the requirements to obtain the degree of Bachelor of Laws at Faculty of Law

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MOTTO

The ink of the scholar is more sacred than the blood of the martyr.

Prophet Muhammad (PBUH) – Islamic Prophet

You can never cross the ocean until you have the courage to lose sight of the shore.

Christopher Columbus – Italian Explorer

The most significant writer can serve peace, where the most powerful tribunals can do nothing.

Julien Benda – French Philosopher

Each injustice must be fought against, even if it is only in one's heart – and I did fight.

Pramoedya Ananta Toer – Indonesian Author

There are only 2 options, become apathetic or follow the flow. But I choose to become an independent human being.

Soe Hok Gie – Chinese Indonesian Activist

DEDICATION

This Undergraduate Thesis is dedicated to

The one and only God, Allah SWT
His messenger, Prophet Muhammad SAW

My beloved parents

Siti Fatimah
(Alm.) Erry Bahtiar
Elven Chalis Philiaan

My lovely family

(Alm.) H. Lemin
Hj. Siti Aminah
Benyamin Andrian Elven
Destia Ariani
Tanuwijaya Saputra
Kierra Aleena Andrian

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LIST OF STATUTES

Indonesia

- The 1945 Constitution of the Republic of Indonesia
- The MPRS Decree Number III/MPRS/1963 on the Promotion of the Leader of Indonesian Revolution Bung Karno to be the Lifetime President of the Republic of Indonesia
- The MPRS Decree Number XXV/MPRS/1966 on the Dissolved of the PKI, Statement as the Prohibited Organization in the Entire Territory of the Republic of Indonesia, and Prohibition on Every Activity to Spread or to Develop Communism or Marxism-Leninism Teachings.
- The MPR Decree No. Number XVII/MPR/1998 on Human Rights
- The Law Number 39 Year 1999 on Human Rights
- The Law Number 18 Year 2002 on the National System of Research, Development and Application of Science and Technology
- The Law Number 20 Year 2003 on National Education System
- The Law Number 11 Year 2005 on the Ratification of the International Covenant on Economic, Social, and Cultural Rights
- The Law Number 12 Year 2005 on the Ratification of the International Covenant on Civil and Political Rights
- The Law Number 11 Year 2008 on Information and Electronic Transaction
- The Law Number 12 Year 2011 on Statutory
- The Law Number 12 Year 2012 on Higher Education
- The Law Number 31 Year 2014 on Protection of Witness and Victim
- The Government Regulation Number 60 Year 1999 on Higher Education
- The Constitutional Court Decision Number 013-022/PUU-IV/2006 on the Cancellation of Article 134, Article 136 bis, and Article 137 from the Indonesian Penal Code and Decided that These Articles Have No Legal Power Anymore
- The Presidential Decree Number 4 Year 1963 on the Safeguard on Printing Goods that the Contents Can Disturb Public Order
- The Presidential Decree Number 54 Year 2017 on the Presidential Work Unit for the Development of Pancasila Ideology

The Presidential Decree Number 7 Year 2018 on the Pancasila Ideology Development Agency

The Minister of Home Affairs Regulation Number 3 Year 2018 on the Letter of Publishing Research

The Minister of Home Affairs Regulation Number 7 Year 2014 on the Changes of Minister of Home Affairs Number 64 Year 2011 on the Guidance of Publishing Research

The Decree of Governor of East Kalimantan No. 15/PPK/KDH/1962 on the Establishment of Universitas Mulawarman

International

The Universal Declaration of Human Rights 1948

The International Covenant on Civil and Political Rights 1966

The International Covenant on Economic, Social, and Cultural Rights 1966

The International Convention on the Elimination of Racial Discrimination 1965

The European Convention on Human Rights 1950

The American Convention on Human Rights 1969

The African Charter of Human and People's Rights 1981

The ASEAN Human Rights Declaration 2012

The Lima Declaration on Academic Freedom and Autonomy of Institutions of Higher Education 1988

The The Dar es Salaam Declaration on Academic Freedom and Social Responsibility of Academics 1990

The 1940 Statement Principles on Academic Freedom and Tenure

The 1925 Conference Statement on Academic Freedom and Tenure

The 1915 Declaration of Principles on Academic Freedom and Tenure

LIST OF ABBREVIATIONS

AAP	Australian Associated Press
AAUP	American Association of University Professor
ACHR	American Convention on Human Rights 1969
ACHPR	African Charter on Human and People's Rights 1981
AD	Anno Domini
AHRD	ASEAN Human Rights Declaration 2012
BC	Before Christ
BP7	<i>Badan Pembinaan Pendidikan Pelaksanaan Pedoman Penghayatan dan Pengamalan Pancasila</i> (The Body of Building, Education, Implementation, Guidelines, Appreciation and Practice of Pancasila)
BPIP	<i>Badan Pembinaan Ideologi Pancasila</i> (The Body of Pancasila Ideological Guidance)
BPPT	<i>Badan Pengkajian dan Penerapan Teknologi</i> (The Body of Technology Assessment and Application)
BPUPKI	<i>Badan Penyelidik Usaha-Usaha Persiapan Kemerdekaan Indonesia</i> (The Investigating Committee for Preparatory Work for Independence)
CAUT	Canadian Association of University Teachers
CPC	Communist Party of China
CPV	Communist Party of Vietnam
ECHR	European Convention on Human Rights 1950
FPI	<i>Front Pembela Islam</i> (Islamic Defenders Front)
GNPF-MUI	<i>Gerakan Nasional Pengawal Fatwa MUI</i> (National Movement of the <i>Fatwa</i> Guardians)
GOLKAR	<i>Golongan Karya</i> (Party of Functional Group)
HRW	Human Rights Watch
HTI	Hizbut Tahrir Indonesia
ICCPR	International Covenant on Civil and Political Rights 1966

ICERD	International Convention on the Elimination of Racial Discrimination 1965
ICESCR	International Covenant on Economic, Social, and Cultural Rights 1966
ILC	Indonesia Lawyers Club
IPB	<i>Institut Pertanian Bogor</i> (Bogor Agricultural Institute)
ITB	<i>Institut Teknologi Bandung</i> (Bandung Technological Institute)
ITS	<i>Institute Teknologi Sepuluh November</i> (Sepuluh November Institute of Technology)
KOMNAS HAM	<i>Komisi Nasional Hak Asasi Manusia</i> (National Commission on Human Rights)
KOPASSUS	<i>Komando Pasukan Khusus</i> (Special Forces Command)
KOSTRAD	<i>Komando Strategis Angkatan Darat</i> (Army Strategic Command)
LEKRA	<i>Lembaga Kebudayaan Rakyat</i> (Institute for the People's Culture)
MK	<i>Mahkamah Konstitusi</i> (The Constitutional Court)
MPR	<i>Majelis Permusyawaratan Rakyat</i> (The People's Consultative Assembly)
MPRS	<i>Majelis Permusyawaratan Rakyat Sementara</i> (Temporary People's Consultative Assembly)
MUI	<i>Majelis Ulama Indonesia</i> (Indonesia's Ulema Council)
NGO	Non-Governmental Organization
PDI	<i>Partai Demokrasi Indonesia</i> (Indonesian Democratic Party)
PDIP	<i>Partai Demokrasi Indonesia Perjuangan</i> (Indonesian Democratic Party of Struggle)
PKI	<i>Partai Komunis Indonesia</i> (Indonesian Communist Party)
PPKI	<i>Panitia Persiapan Kemerdekaan Indonesia</i> (Preparatory Committee for Indonesian Independence)

PPP	<i>Partai Persatuan Pembangunan</i> (United Development Party)
SAFE NET	Southeast Asian Freedom of Expression Network
SARA	<i>Suku, Agama, Ras, dan Antargolongan</i> (Ethnicity, Religion, Racial, and Intergroups)
SBY	Susilo Bambang Yudhoyono
TNI	<i>Tentara Nasional Indonesia</i> (Indonesian National Army)
UDHR	Universal Declaration of Human Rights 1948
UHAMKA	<i>Universitas Muhammadiyah Prof. Dr. Hamka</i> (Muhammadiyah University of Prof. Dr. Hamka)
UI	<i>Universitas Indonesia</i> (University of Indonesia)
UK	United Kingdom
UKP-PIP	<i>Unit Kerja Presiden Pembinaan Ideologi Pancasila</i> (Presidential Work Unit for Fostering the Pancasila Ideology)
UN	United Nations
UNAIR	<i>Universitas Airlangga</i> (University of Airlangga)
UNDIP	<i>Universitas Diponegoro</i> (University of Diponegoro)
UNIBO	University of Bologna
UNMUL	<i>Universitas Mulawarman</i> (University of Mulawarman)
USA	United States of America
USAAF	United States of Army Air Forces
UUD 1945	<i>Undang-Undang Dasar 1945</i> (The 1945 Constitution)
VOA	Voice of America
WUS	World University Service
WW I	World War I
WW II	World War II