

Academic Welfare of Non-ASN Lecturers: A New State Responsibility in Higher Education

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Abstrak

Dosen non-ASN memiliki peran substantif dalam pendidikan tinggi melalui pelaksanaan pendidikan, penelitian, pengabdian kepada masyarakat, pembimbingan akademik, dan pengembangan ilmu pengetahuan. Namun, kewajiban akademik tersebut tidak selalu diikuti oleh perlindungan hukum yang memadai atas penghasilan dan kesejahteraan. Artikel ini mengkaji kedudukan kesejahteraan akademik dosen non-ASN dalam kerangka negara kesejahteraan dan merumuskan arah baru tanggung jawab negara dalam menjamin penghasilan layak di pendidikan tinggi. Penelitian ini menggunakan metode penelitian hukum normatif dengan pendekatan perundang-undangan, pendekatan konseptual, dan pendekatan kebijakan. Hasil kajian menunjukkan bahwa kesejahteraan akademik bukan sekadar persoalan hubungan kerja internal antara dosen dan perguruan tinggi, melainkan persoalan hukum yang berkaitan dengan fungsi publik pendidikan tinggi, otonomi perguruan tinggi, dan mandat konstitusional negara. Kesejahteraan akademik perlu dipahami sebagai kerangka perlindungan minimum yang memungkinkan dosen menjalankan tridharma secara bermartabat, produktif, dan berkelanjutan. Tanggung jawab negara diarahkan pada penetapan standar minimum penghasilan, jaminan sosial, kejelasan status hukum, integrasi kesejahteraan dosen dalam kebijakan pendanaan pendidikan tinggi, dan penempatan kesejahteraan akademik sebagai bagian dari penjaminan mutu pendidikan tinggi.

Keywords: kesejahteraan akademik; dosen non-ASN; tanggung jawab negara; pendidikan tinggi; negara kesejahteraan.

Abstract

Non-ASN lecturers play a substantive role in higher education by carrying out teaching, research, community service, academic supervision, and scientific development. However, their academic obligations are not always followed by adequate legal protection of income and welfare. This article examines the position of academic welfare for non-ASN lecturers within the framework of the welfare state and formulates a new direction of state responsibility in ensuring decent income in higher education. This study uses normative legal research with statutory, conceptual, and policy approaches. The findings show that academic welfare is not merely an internal employment issue between lecturers and higher education institutions, but a legal issue connected to the public function of higher education, university autonomy, and the constitutional mandate of the state. Academic welfare should be understood as a minimum protection framework that enables lecturers to perform the tridharma of

higher education with dignity, productivity, and sustainability. The state's responsibility must therefore be directed toward establishing minimum income standards, ensuring social protection, clarifying legal status, integrating lecturer welfare into higher education funding policy, and placing academic welfare as part of higher education quality assurance.

Keywords: *academic welfare; non-ASN lecturers; state responsibility; higher education; welfare state.*

INTRODUCTION

Higher education occupies a strategic position within Indonesia's constitutional system because it is directly linked to the national mandate to educate the life of the nation and promote public welfare. This mandate does not merely place education within the sphere of academic services; it also situates education as a form of state responsibility in developing human resources, advancing knowledge, and strengthening public civility. Higher education, therefore, should not be understood solely as an institutional relationship between universities and students. It must also be viewed as a public legal space that connects the state, higher education institutions, lecturers, students, and society. Within the framework of the welfare state, the state is not only required to guarantee the existence of educational institutions, but also to ensure that the main actors in higher education receive adequate protection to perform their academic functions.¹

Lecturers are central actors in the delivery of higher education. Their role is not limited to classroom teaching, but also includes research, community service, academic supervision, curriculum development, scholarly publication, and continuous professional development. The obligation to perform the tridharma places lecturers within an academic profession that carries intellectual, social, and institutional responsibilities at the same time. Lecturers are also required to meet standards relating to qualifications, certification, academic rank, research outputs, and community engagement. These responsibilities demonstrate that lecturers are not ordinary administrative workers, but professional educators who perform the public function of higher education.²

The problem arises when these extensive academic obligations are not accompanied by adequate welfare guarantees, particularly for non-ASN lecturers. Non-ASN status does not remove tridharma responsibilities, reduce publication demands, eliminate academic supervision duties, or exempt lecturers from continuous competency development. Non-ASN lecturers remain subject to the same higher education quality system, yet their income protection and welfare guarantees often depend more heavily on the financial capacity and internal policies of their respective institutions. This position creates tension between the public function carried out by lecturers and the income structure that is still largely determined by internal institutional relations.

¹ Elviandri, Khuzdaifah Dimiyati, and Absori, "Quo Vadis Negara Kesejahteraan: Meneguhkan Ideologi Welfare State Negara Hukum Kesejahteraan Indonesia," *Mimbar Hukum* 31, no. 2 (2019): 252–66, <https://doi.org/10.22146/jmh.32986>.

² Mila Karmila Adi, "Perlindungan Terhadap Gaji Dosen Swasta Menurut Undang-Undang Nomor 14 Tahun 2005 Tentang Guru Dan Dosen," *Jurnal Hukum IUS QUIA IUSTUM* 13, no. 1 (2016): 113–25, <https://doi.org/10.20885/iustum.vol13.iss8>.

The welfare problem of non-ASN lecturers cannot be separated from the increasingly competitive development of higher education. Modern higher education operates under the pressures of accreditation, ranking, publication, internationalization, institutional efficiency, and funding competition. The global expansion of higher education participation has also not always been followed by equal quality and fairness within the structure of higher education.³ This situation creates a risk that higher education institutions may demand academic productivity more easily than they can provide adequate mechanisms to protect the welfare of academic actors. The tendency of universities to act as institutions pursuing reputation, revenue, and efficiency may also shift the orientation of higher education from public interest toward market logic.⁴

The issue of non-ASN lecturers is also related to the broader phenomenon of vulnerable academic work. Studies on precarity in higher education show that insecure academic employment may appear through job uncertainty, unstable working hours, low income, and employment contracts that fail to provide a sense of security.⁵ In the Indonesian context, this problem must be approached carefully because non-ASN lecturers are not always temporary workers. Many non-ASN lecturers hold permanent lecturer status in higher education institutions and perform the full *tridharma*, yet their income protection does not always reflect their academic workload and professional dignity. This condition indicates that the welfare of non-ASN lecturers is not merely a labor issue, but also a matter of higher education law and state responsibility.

Public debate on lecturers' income has also gained contemporary relevance through official reports of the Constitutional Court concerning the judicial review of norms in Law Number 14 of 2005 on Teachers and Lecturers. The case shows that lecturers' income has entered constitutional discourse, particularly in relation to decent livelihood, fair and decent remuneration, and legal certainty.⁶ This article, however, does not assess, anticipate, or predict the Constitutional Court's decision in an ongoing case. The case is used only as a contemporary context that reflects a broader legal problem concerning lecturer welfare. The analysis in this article remains grounded in constitutional norms, statutory regulations, welfare state theory, and the concept of state responsibility in higher education.

In Indonesia's legal system, lecturer welfare has already obtained a normative basis. The Law on Teachers and Lecturers recognizes lecturers as professional educators and scholars who have rights to income, promotion, awards, protection, opportunities for competency development, academic freedom, and access to

³ Simon Marginson, "The Worldwide Trend to High Participation Higher Education: Dynamics of Social Stratification in Inclusive Systems," *Higher Education* 72, no. 4 (2016): 413–34, <https://doi.org/10.1007/s10734-016-0016-x>.

⁴ Bob Jessop, "Varieties of Academic Capitalism and Entrepreneurial Universities: On Past Research and Three Thought Experiments," *Higher Education* 73, no. 6 (2017): 853–70, <https://doi.org/10.1007/s10734-017-0120-6>.

⁵ Peter Kahn, Marie Pierre Moreau, and Jessica Gagnon, "Precarity and Illusions of Certainty in Higher Education Teaching," *Teaching in Higher Education* 29, no. 3 (2024): 699–706, <https://doi.org/10.1080/13562517.2024.2326403>.

⁶ Mahkamah Konstitusi Republik Indonesia, "Dosen PTS Minta Gaji Layak," Mahkamah Konstitusi Republik Indonesia, 2026, <https://www.mkri.id/berita/dosen-pts-minta-gaji-layak-24352>.

academic facilities and infrastructure. Lecturer income is also inseparable from professional allowances, functional allowances, special allowances, professorial honor allowances, and additional benefits. Normatively, these provisions show that lecturer welfare is not merely a matter of basic salary, but forms part of the protection of the academic profession.⁷ The main issue lies in the extent to which these norms can operate effectively for non-ASN lecturers who work within higher education institutions with diverse institutional capacities.

The most closely related previous study discusses the protection of private lecturers' salaries under Law Number 14 of 2005 on Teachers and Lecturers. The study emphasizes that salary arrangements for private lecturers based on employment agreements or collective labor agreements must still refer to statutory regulations. Government intervention, therefore, continues to hold an important position in the relationship between lecturers and higher education providers.⁸ This study is important because it shows that the salary of private lecturers has long been a legal issue. However, its focus remains on the protection of private lecturers' salaries within the framework of employment relations and has not specifically formulated academic welfare as a legal concept that connects decent income, the tridharma, university autonomy, and state responsibility.

The literature review is used comparatively rather than as a claim that three studies exhaust the field. The selected works were chosen because they directly address lecturer salary protection, state responsibility for private lecturers, or recent lecturer-welfare policy. Their unresolved common issue is the absence of a single legal framework that distinguishes current entitlements from proposed minimum protection while accounting for university autonomy.

Another study examines the role of the state in improving welfare through the provision of salaries for lecturers at private higher education institutions. The study shows a policy gap between lecturers in public higher education institutions and those in private higher education institutions. Lecturers in public institutions receive support in the form of basic salary, allowances, certification, and remuneration, while lecturers in private institutions depend more heavily on institutional capacity, with government support being more limited to certain allowances.⁹ This study is relevant because it already positions the state as an important actor. Nevertheless, its focus remains largely on lecturers at private higher education institutions and has not developed a broader legal argument regarding non-ASN lecturers as actors performing the public function of higher education within the perspective of the welfare state.

A more recent study discusses lecturer welfare in the context of Regulation of the Minister of Education, Culture, Research, and Technology Number 44 of 2024, with a comparison to Malaysia and the Philippines. The study highlights that lecturers in Indonesia carry out the tridharma, yet continue to face challenges relating to salary, allowances, and working conditions that are not always

⁷ Adi, "Perlindungan Terhadap Gaji Dosen Swasta Menurut Undang-Undang Nomor 14 Tahun 2005 Tentang Guru Dan Dosen."

⁸ Ibid.

⁹ Ahmadin, "The Role of The State in Improving Welfare with Giving Salary of Lecturers At Private Universities," *Jurnal Pendidikan IPS* 14, no. 1 (2024): 174–82, <https://doi.org/10.37630/jpi.v14i1.1580>.

proportionate to their responsibilities. The latest regulation is viewed as an effort to improve arrangements on compensation and academic careers, although its implementation still faces budgetary constraints and regional disparities.¹⁰ This study is significant because it reflects recent policy developments. However, it remains oriented toward public policy evaluation and comparative analysis, and has not positioned the welfare of non-ASN lecturers as a public law issue that requires a new direction of state responsibility.

Based on these three studies, it can be seen that the issue of lecturer salary and welfare has been discussed from the perspectives of private lecturer salary protection, the state's role in relation to lecturers at private higher education institutions, and policy evaluation on lecturer welfare. The underexplored space lies in the formulation of "academic welfare" as a legal concept. This concept is necessary because the welfare of non-ASN lecturers should not be read merely as income within an employment relationship. It must be connected to the public function of higher education, tridharma obligations, university autonomy, decent income, and the mandate of the welfare state. When non-ASN lecturers perform the same academic obligations within the national higher education system, their welfare protection should not be left entirely to the capacity of each higher education institution.

The novelty of this article lies in proposing 'academic welfare' as an analytical legal framework synthesized from existing rights to decent income, professional protection, social security, status clarity, and support for the performance of the tridharma. The term is not presented as an already established autonomous legal principle in Indonesian legislation. Rather, it is used to organize existing entitlements and to identify *de lege ferenda* minimum protections that are not yet operationally specified. This distinction allows the article to separate current statutory rights from the proposed architecture of state responsibility.

This article formulates two research questions. First, what is the position of academic welfare for non-ASN lecturers from the perspective of the welfare state? Second, what is the new direction of state responsibility in ensuring decent income for non-ASN lecturers in higher education? Based on these research questions, this article aims to analyze the position of academic welfare for non-ASN lecturers within the welfare state framework and to formulate a new direction of state responsibility for decent income for non-ASN lecturers. Accordingly, this article is expected to provide a conceptual contribution to the development of higher education law and a practical contribution to the reform of welfare policies for non-ASN lecturers.

RESEARCH METHOD

This study uses normative legal research. The object of analysis consists of legal norms, legal concepts, and state policies governing the position of lecturers, the right to decent income, university autonomy, and state responsibility in the administration of higher education. Normative legal research is used because the issue of academic welfare for non-ASN lecturers is not only related to the social fact

¹⁰ Azzhafir Nayottama Abdillah, "Kesejahteraan Dosen Dalam Konteks Permendikbudristek No. 44 Tahun 2024 Tinjauan Kebijakan Publik Dan Studi Komparatif Negara Malaysia Dan Filipina" (Purwokerto, 2024).

of low lecturer income, but also to the adequacy of legal norms, the clarity of state responsibility, and the limits of university autonomy within the legal system of higher education.¹¹

The approaches used in this study include the statutory approach, the conceptual approach, and the policy approach. The statutory approach is used to examine the 1945 Constitution of the Republic of Indonesia, the Law on Teachers and Lecturers, the Law on Higher Education, the Law on the National Education System, regulations concerning lecturers, and other higher education regulations relating to the rights, obligations, income, and professional protection of lecturers. The conceptual approach is used to develop the concept of academic welfare based on welfare state theory, state responsibility, the right to a decent livelihood, legal protection, and the public function of higher education. The policy approach is used to examine the relationship between education budgeting, higher education governance, institutional autonomy, and minimum protection for non-ASN lecturers.

The primary legal materials consist of the 1945 Constitution of the Republic of Indonesia, Law Number 14 of 2005 on Teachers and Lecturers, Law Number 12 of 2012 on Higher Education, Law Number 20 of 2003 on the National Education System, Government Regulation Number 37 of 2009 on Lecturers, Regulation of the Minister of Education, Culture, Research, and Technology Number 53 of 2023, Regulation of the Minister of Education, Culture, Research, and Technology Number 44 of 2024, and regulations directly governing lecturer status, income, professional protection, higher-education funding, and quality assurance. The regulatory cut-off for this revised manuscript is August 2026. Secondary materials are included when they explain welfare-state doctrine, academic employment, university autonomy, or legal protection; empirical and comparative studies are used as contextual or analogical materials, not as direct proof of the Indonesian legal condition.

The judicial review of the Law on Teachers and Lecturers before the Constitutional Court is not treated as the main object of this study. Official reports of the Constitutional Court are used only to demonstrate the contemporary relevance of lecturer income within constitutional discourse. This study does not assess evidence, interpret the tendency of the judges, or predict the Court's decision, as the case is still ongoing. This position is necessary to keep the analysis focused on the normative assessment of the existing legal construction and the direction of state responsibility in higher education.

The legal materials are analyzed qualitatively and prescriptively through four decision steps. First, the study inventories positive-law entitlements and identifies the legal subject and duty-bearer attached to each entitlement. Second, it tests vertical and horizontal coherence among constitutional norms, statutes, implementing regulations, and institutional autonomy. Third, a normative gap is identified only when a recognized right lacks a sufficiently determinate standard, responsible actor, enforcement route, or operational mechanism. Fourth, proposed reforms are assessed against legality and institutional authority, necessity, proportionality, fiscal feasibility, compatibility with university autonomy, and

¹¹ Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana, 2010).

enforceability. The components of academic welfare are derived from this sequence rather than from policy preference alone.

RESULTS AND DISCUSSION

The Position of Non-ASN Lecturers in the Public Function of Higher Education

Higher education holds an important place in the national legal system because it is directly connected to the mandate to educate the life of the nation, advance knowledge, and develop the quality of human resources. This position means that higher education cannot be understood merely as an institutional service provided by universities. It also constitutes a public function involving state responsibility, institutional policy, and the contribution of the academic profession. The global expansion of participation in higher education shows that higher education has increasingly become a social necessity. However, wider access does not automatically ensure quality and fairness when the supporting structures are not adequately developed.¹²

Lecturers stand at the center of this public function. Normatively, lecturers are positioned as professional educators and scholars whose task is to transform, develop, and disseminate science, technology, and the arts through education, research, and community service. This position indicates that lecturers' responsibilities are not limited to teaching activities. They also carry academic responsibility to produce knowledge, supervise students, foster scholarly ethics, and connect higher education institutions with the needs of society. For this reason, the position of lecturers in higher education has a public character, even though their employment relationship may arise from state appointment, appointment by a private higher education provider, or an employment agreement with a higher education institution.

For analytical purposes, 'non-ASN lecturers' refers to lecturers outside the state civil apparatus system who perform the tridharma under an employment or institutional relationship with a higher-education provider. This umbrella category is heterogeneous. Permanent lecturers at private higher-education institutions primarily operate within private employment relations subject to education and labor regulation, whereas non-ASN personnel in state universities with legal-entity status may be governed by public-institution statutes, rector regulations, contracts, and other internal instruments. The article therefore does not assume a single employment regime. Common conclusions are limited to rights and public academic functions shared across categories; implementation mechanisms are differentiated according to the relevant institutional form.

The obligation to perform the tridharma places non-ASN lecturers in a position distinct from ordinary workers. Education and teaching require lecturers to maintain the quality of learning. Research requires lecturers to produce scholarly works relevant to the development of knowledge. Community service requires lecturers to apply their expertise in addressing social problems. A study on lecturer welfare in the context of Regulation of the Minister of Education, Culture, Research, and Technology Number 44 of 2024 also emphasizes that the tridharma requires

¹² Marginson, "The Worldwide Trend to High Participation Higher Education: Dynamics of Social Stratification in Inclusive Systems."

substantial time, energy, and expertise, while allowances and income remain major concerns, particularly for non-ASN lecturers.¹³

The position of non-ASN lecturers becomes problematic when the same academic workload is not accompanied by equal legal protection and welfare. In private higher education institutions, lecturers' salaries are generally linked to employment agreements or collective labor agreements between lecturers and higher education providers. This model differs from that of lecturers in public higher education institutions, whose income is more clearly based on statutory regulations. Nevertheless, several income components for private lecturers still involve the role of the government, such as professional allowances, functional allowance subsidies, special allowances, and professorial honor allowances.¹⁴ This condition demonstrates a mixed relationship between the responsibility of higher education institutions and the responsibility of the state.

A similar issue also arises in state universities with legal entity status. Institutional autonomy gives universities broader room to manage human resources independently. This autonomy is important for higher education governance, but it may also create uncertainty when the status, rights, obligations, and job security of non-ASN personnel are not firmly regulated. A study on the legal relationship of non-ASN personnel in state universities with legal entity status shows a dualism between public law and private law regimes. Non-ASN personnel work within public institutions, yet their employment relationships are often constructed through contractual arrangements. As a result, their protection is not always equivalent, even when the responsibilities they carry out are comparable.¹⁵

This uncertainty does not concern administrative status alone. It also concerns the dignity of academic work. Studies on the casualized workforce in higher education show that contingent academic work is often marked by short-term contracts, lower job security, and lower remuneration compared with academics in permanent appointments.¹⁶ This international experience cannot be fully equated with non-ASN lecturers in Indonesia. However, it provides a comparative framework showing that vulnerable academic work can become a structural problem when the higher education system relies too heavily on institutional flexibility without strong minimum protection.

Non-ASN lecturers also face tension between professional demands and institutional capacity. A study on the role of the state in providing salaries for lecturers at private higher education institutions shows differences in support

¹³ Abdillah, "Kesejahteraan Dosen Dalam Konteks Permendikbudristek No. 44 Tahun 2024 Tinjauan Kebijakan Publik Dan Studi Komparatif Negara Malaysia Dan Filipina."

¹⁴ Adi, "Perlindungan Terhadap Gaji Dosen Swasta Menurut Undang-Undang Nomor 14 Tahun 2005 Tentang Guru Dan Dosen."

¹⁵ Khairani, Gusminarti, and Qurratul Hilma, "Model Hubungan Hukum Pegawai Non-Aparatur Sipil Negara Pada Perguruan Tinggi Negeri Berbadan Hukum (PTN-BH) Di Indonesia," in *Prosiding Konferensi Nasional Ketenagakerjaan "Hukum Ketenagakerjaan Dan Agenda Pembangunan Nasional: Peran Regulasi Dalam Mendorong Kerja Layak, Pertumbuhan Inklusif, Dan Ekonomi Yang Berkelanjutan"*, ed. Imam Budi Santoso et al., vol. 29 (Karawang: UMP Press, 2025), 50–59, <https://doi.org/10.30595/pssh.v29i.2077>.

¹⁶ Peter Woelert, Gwilym Croucher, and Sam Hoang, "The Rise of a 'Casualised' Workforce: A Conceptual Account of the Institutional Forces Legitimising Contingent Academic Employment in Australia," *Higher Education* 91, no. 1 (2025): 23–38, <https://doi.org/10.1007/s10734-025-01405-3>.

between lecturers in public and private institutions. Lecturers in public higher education institutions receive basic salaries, allowances, certification, and remuneration through a more established mechanism. In contrast, lecturers in private higher education institutions depend more heavily on the capacity of the institutions where they serve.¹⁷ This difference becomes a legal problem when the academic obligations imposed on lecturers are not substantially distinguished between public institutions, private institutions, ASN lecturers, and non-ASN lecturers.

The position of non-ASN lecturers must be read through two dimensions at once. They are parties to an employment or institutional relationship, but they also perform functions that form part of the legally organized public system of higher education. The juridical consequence of this public function is not that the state automatically becomes the direct wage payer. Rather, it strengthens the state's regulatory duty to ensure that nationally mandated academic obligations are not imposed without minimum legal protection. The doctrinal bridge is therefore one of regulation, supervision, and where legally authorized, funding support: the provider remains responsible for remuneration within its employment regime, while the state sets enforceable baselines where private or institutional discretion would otherwise leave recognized rights without operational effect.

This construction provides the basis for developing the concept of academic welfare. Academic welfare cannot be separated from the position of lecturers as actors who perform the tridharma. Decent income, employment protection, opportunities for competency development, and institutional guarantees are not additional facilities external to lecturers' functions. They are prerequisites that enable non-ASN lecturers to carry out their academic duties with dignity and sustainability. On this basis, the issue of non-ASN lecturers' income should move beyond an internal matter of higher education institutions and be recognized as a matter of state responsibility in higher education.

Academic Welfare as a Legal Concept within the Welfare State

The position of non-ASN lecturers in the public function of higher education requires their welfare to be understood beyond the employment relationship between lecturers and higher education institutions. Lecturer welfare cannot be reduced to the nominal amount of salary, allowances, or the financial capacity of an institution. It touches upon a more fundamental relationship between the state's mandate in education, the quality of tridharma implementation, the protection of the academic profession, and the sustainability of intellectual work. From the perspective of the welfare state, the state is not merely responsible for maintaining legal order, but also bears an active responsibility to realize social justice, public welfare, and protection for groups in vulnerable positions.¹⁸

The concept of the welfare state rejects the view of the state as a passive guardian that appears only when a legal violation occurs. The state must instead be present through policies, regulation, supervision, and social protection so that

¹⁷ Ahmadin, "The Role of The State in Improving Welfare with Giving Salary of Lecturers At Private Universities."

¹⁸ Elviandri, Dimiyati, and Absori, "Quo Vadis Negara Kesejahteraan: Meneguhkan Ideologi Welfare State Negara Hukum Kesejahteraan Indonesia."

citizens can enjoy a decent standard of living. In the Indonesian context, the idea of the welfare state is not a theoretical construction alien to the national legal system. The Preamble to the 1945 Constitution of the Republic of Indonesia, the principle of social justice, Article 27 paragraph (2), Article 28C, Article 28D, Article 31, Article 33, and Article 34 of the 1945 Constitution show that welfare, education, decent livelihood, and social justice form part of the constitutional orientation of the state.¹⁹

The welfare state, therefore, cannot stop at normative recognition. One of the main problems in the Indonesian legal system is often not the absence of welfare norms in the Constitution, but the weak operational force of those norms in concrete policy. Studies on Indonesia as a welfare-oriented rule-of-law state show that the 1945 Constitution contains numerous welfare norms, yet these norms do not always have sufficient operational strength to shape a socially prosperous life.²⁰ In the context of non-ASN lecturers, a similar problem arises when the law recognizes lecturers' right to income above minimum living needs, while the mechanism for fulfilling that right remains unclear for all categories of lecturers.

State responsibility within the welfare state cannot be separated from the obligation of the state to remain present when public policy, institutional structures, or particular circumstances create consequences for the basic rights of society. A study on state responsibility during the pandemic emphasizes that state policy, including policy in abnormal situations, must not become a reason for the government to release itself from responsibility for the basic needs and fundamental rights of the people.²¹ This argument is relevant to higher education because the state cannot fully delegate the protection of non-ASN lecturers to internal mechanisms of higher education institutions when those lecturers perform a public function derived from the national education mandate.

The presence of the state in the issue of academic welfare is also related to the principle of legal protection. Legal protection should not be understood merely as the existence of written rules. It must ensure that legal subjects in weaker socio-economic positions are not left to face unequal relations without minimum protective standards. A study on legal aid for the poor shows that access to legal protection is an important condition for vulnerable groups to reach justice in real terms, rather than merely obtain formal recognition.²² In the context of non-ASN lecturers, this logic of protection is important because dependence on homebase status, academic rank, employment status, and internal university policies may weaken lecturers' bargaining position in pursuing decent income.

Academic welfare needs to be formulated as a legal concept because lecturer welfare is directly connected to the academic functions lecturers perform. This concept differs from worker welfare in a general sense. Lecturers do not simply work to receive wages. They perform educational functions, conduct research, carry

¹⁹ Alfitri, "Ideologi Welfare State Dalam Dasar Negara Indonesia: Analisis Putusan Mahkamah Konstitusi Terkait Sistem Jaminan Sosial Nasional," *Jurnal Konstitusi* 9, no. 3 (2012): 449–72, <https://doi.org/10.31078/jk932>.

²⁰ Elviandri, Dimiyati, and Absori, "Quo Vadis Negara Kesejahteraan: Meneguhkan Ideologi Welfare State Negara Hukum Kesejahteraan Indonesia."

²¹ Fradhana Putra Disantara, "Tanggung Jawab Negara Dalam Masa Pandemi Covid-19," *JCH (Jurnal Cendekia Hukum)* 6, no. 1 (2020): 48–60, <https://doi.org/10.3376/jch.v6i1.262>.

²² Laurensius Arliman S et al., "Legal Assistance for the Poor to Reach Justice," *JCH (Jurnal Cendekia Hukum)* 7, no. 2 (2022): 329–43, <https://doi.org/10.3376/jch.v7i2.556>.

out community service, produce knowledge, and contribute to the formation of human quality. For this reason, decent income for non-ASN lecturers must be viewed as a prerequisite for academic functions to be carried out with dignity. Inadequate income may force lecturers to divide their energy among additional jobs, weaken their research concentration, reduce the quality of academic supervision, and limit opportunities for competency development.

Academic welfare is defined here as a minimum protective condition for non-ASN lecturers that enables the sustainable performance of the tridharma. Its necessary elements are: (1) income that meets a legally determined minimum protection threshold; (2) social-security coverage; (3) clarity and continuity of legal status; (4) protection against arbitrary or unequal employment treatment; and (5) reasonable access to competency development required by the academic profession. Research support, additional institutional benefits, and other welfare-enhancing facilities may operate above the minimum threshold. Academic freedom is not treated as a welfare payment; it is a distinct professional right and an enabling institutional condition whose protection prevents welfare dependence from being used to suppress academic judgment. The immediate duty-bearer varies by employment regime, while the state bears the responsibility to establish and supervise the minimum floor.

This concept is consistent with the principle of legal protection. Legal protection does not only mean the existence of written rules, but also guarantees that legal subjects are not left within unequal relations. In the theory of legal protection, the state must provide normative and institutional instruments so that citizens' rights do not stop at formal recognition.²³ In the context of non-ASN lecturers, the relationship between lecturers and higher education institutions is not always equal. Lecturers need academic status, homebase recognition, access to tridharma activities, academic career progression, and institutional acknowledgment. This dependence may weaken lecturers' bargaining position, making state presence necessary to establish minimum limits of protection.

The welfare state perspective also teaches that education is one of the main areas of social policy. Education, health, social security, housing, and decent livelihood are often positioned as core areas of state responsibility because they are all related to human dignity and quality of life.²⁴ A study on public service within the welfare state emphasizes that the state is responsible for guaranteeing a minimum standard of living for every citizen, including through educational services and social protection.²⁵ This means that higher education cannot be left to operate solely according to institutional market logic, as it concerns broader public interests.

The academic welfare of non-ASN lecturers may also be understood through the principle of state obligations in economic, social, and cultural rights. The state has obligations to respect, protect, fulfill, and promote the basic rights of citizens. In studies on the right to education, the state's obligation does not stop at providing

²³ Philipus M. Hadjon, *Perlindungan Hukum Bagi Rakyat Di Indonesia* (PT Citra Aditya Bakti, 2007).

²⁴ Paul Spicker, *Social Policy: Theory and Practice*, 3rd ed. (Bristol: Policy Press, 2014).

²⁵ Nuriyanto, "Penyelenggaraan Pelayanan Publik Di Indonesia, Sudahkah Berlandaskan Konsep 'Welfare State'?" *Jurnal Konstitusi* 11, no. 3 (2014): 428–53, <https://doi.org/10.31078/jk1132>.

access, but also includes strengthening policies, budgets, teaching personnel, and the quality of educational services.²⁶ A similar logic can be seen in the right to health, where the state is required to ensure adequate access, proper services, and legislative, administrative, and budgetary measures to fulfill basic rights.²⁷ Accordingly, guarantees of welfare for non-ASN lecturers can be placed within the state's obligation to maintain the quality of higher education providers.

Academic welfare is also related to the quality of lecturers' work. Studies on academic job satisfaction show that the work environment, organizational culture, management style, participation in decision-making, collegial relations, job security, autonomy, and wages are factors that influence academic job satisfaction.²⁸ These findings are important because lecturers do not work in a vacuum. The demands of publication, accreditation, teaching, research, and community service require a stable academic environment. Weak welfare may affect motivation, sense of security, productivity, and the quality of academic services.

Academic work pressure becomes even greater when higher education systems move toward performance-based management. Comparative studies on academics' satisfaction and stress show that research support, institutional affiliation, salary, working conditions, technology, academic freedom, and shared governance may influence job satisfaction. Performance-based management does not always improve satisfaction, but it may increase stress when performance indicators are tied to budget allocation, institutional evaluation, and administrative burdens.²⁹ In such circumstances, non-ASN lecturers face double pressure: increasing academic performance demands and welfare guarantees that are not always proportionate.

This situation is increasingly visible in the literature on precarity in higher education. Precarity describes employment relations marked by job insecurity, unstable working hours, low income, weak access to social benefits, limited protection, and low bargaining power.³⁰ In global higher education, casualization and short-term contracts are increasingly used to meet teaching needs and core academic activities. Contingent academic work may even become normalized as part of the organization of modern universities, despite its risks to job security, remuneration, and the sustainability of the academic profession.³¹

²⁶ Disca Betty Viviansari, "Tanggung Jawab Negara Terhadap Hak Atas Pendidikan Anak Buruh Migran Indonesia Di Malaysia," *Jurnal HAM* 10, no. 2 (2019): 179–94, <https://doi.org/10.30641/ham.2019.10.179-194>.

²⁷ Mikho Ardinata, "Tanggung Jawab Negara Terhadap Jaminan Kesehatan Dalam Perspektif Hak Asasi Manusia," *Jurnal HAM* 11, no. 2 (2020): 319–33, <https://doi.org/10.30641/ham.2020.11.319-332>.

²⁸ Rositsa Dimova et al., "Academic Staff Satisfaction with Their Work: A Cross-Sectional Study in a Medical University," *Open Access Macedonian Journal of Medical Sciences* 7, no. 14 (2019): 2384–90, <https://doi.org/10.3889/oamjms.2019.657>.

²⁹ Jung Cheol Shin and Jisun Jung, "Academics Job Satisfaction and Job Stress across Countries in the Changing Academic Environments," *Higher Education* 67, no. 5 (2014): 603–20, <https://doi.org/10.1007/s10734-013-9668-y>.

³⁰ Kahn, Moreau, and Gagnon, "Precarity and Illusions of Certainty in Higher Education Teaching."

³¹ Woelert, Croucher, and Hoang, "The Rise of a 'Casualised' Workforce: A Conceptual Account of the Institutional Forces Legitimising Contingent Academic Employment in Australia."

The condition of non-ASN lecturers in Indonesia cannot be fully equated with casual academics in other higher education systems. Many non-ASN lecturers in Indonesia hold permanent status at higher education institutions, have lecturer identification numbers, perform the tridharma, and participate in the academic rank system. International comparison remains useful, however, because it shows that vulnerability in academic work may arise not only from temporary status, but also from the normalization of institutional flexibility, dependence on institutional income, and weak minimum protection standards. Studies on the experience of precarious academic workers show that non-standard work can create economic insecurity, limited access to benefits, weak protection, and vulnerable psychosocial conditions.³²

Academic welfare should therefore become a concept that bridges two dimensions that are often separated. The first is the professional dimension, namely lecturers as professional educators and scholars who are required to fulfill the tridharma. The second is the protective dimension, namely lecturers as legal subjects who need decent income, certainty of rights, and guarantees for self-development. Separating these two dimensions is dangerous because the state and higher education institutions may demand high academic performance without providing an adequate welfare foundation. From the perspective of progressive legal thought, law should not operate merely to organize institutional procedures, but must also protect the dignity of human beings within those structures.³³

Academic welfare also requires a more careful reading of university autonomy. Autonomy is indeed important for safeguarding academic freedom, institutional governance, and the development of knowledge. However, autonomy cannot be understood as a space free from social responsibility. When autonomy is combined with the logic of efficiency, competition, and marketization, higher education institutions may be encouraged to reduce academic labor costs in the name of competitiveness. Studies on academic capitalism show that universities in many systems have begun to act like organizations pursuing reputation and revenue, rather than purely as public institutions free from particular interests.³⁴ This risk strengthens the need to position academic welfare as a normative limit in higher education governance.

Ultimately, the academic welfare of non-ASN lecturers represents the meeting point between the constitutional mandate of education, the public function of lecturers, professional protection, and state responsibility within the welfare state. The state does not have to take over all wage-related matters that institutionally belong to higher education institutions. However, the state remains obliged to set standards, develop support schemes, supervise the fulfillment of rights, and ensure that university autonomy does not produce excessive inequality in protection. Under this formulation, academic welfare becomes a legal concept that positions

³² Shihaam Solomon and Marieta Du Plessis, "Experiences of Precarious Work within Higher Education Institutions: A Qualitative Evidence Synthesis," *Frontiers in Education* 8 (2023): 1–19, <https://doi.org/10.3389/feduc.2023.960649>.

³³ Satjipto Rahardjo, *Ilmu Hukum*, Cetakan 8 (Bandung: PT Citra Aditya Bakti, 2014).

³⁴ Jessop, "Varieties of Academic Capitalism and Entrepreneurial Universities: On Past Research and Three Thought Experiments."

decent income for non-ASN lecturers as part of the quality of higher education, rather than merely as an institutional cost burden.

University Autonomy and the Limits of State Responsibility

University autonomy is an important principle in higher education governance. Through autonomy, higher education institutions are given space to develop their academic distinctiveness, manage resources, determine institutional direction, and safeguard academic freedom. Law Number 12 of 2012 on Higher Education places university autonomy as the basis for higher education management, both in academic and non-academic fields. At the normative level, autonomy is necessary so that higher education institutions do not merely function as administrative units of the state, but also as academic communities capable of developing knowledge freely, responsibly, and with quality.

University autonomy is evaluated through a minimum-floor test. Matters above the statutory floor—such as salary structures exceeding minimum protection, incentive design, workload distribution within legal limits, and institution-specific benefits—remain within institutional discretion. Matters that determine whether a lecturer receives basic legal protection, social security, transparent status, and an enforceable minimum income standard cannot be left entirely to discretion because they affect the substance of rights recognized by national law. State intervention is justified only to the extent necessary to secure that floor and should not prescribe every technical aspect of internal human-resource management.

In state universities with legal entity status, autonomy is increasingly visible in human resource management. A study on the autonomy of human resource management in state universities with legal entity status shows that strong human resource management is necessary to produce qualified and competitive graduates. The study also emphasizes the need for regulation concerning employment status, organizational structure, and career paths for all personnel in such universities, including ASN personnel and temporary staff.³⁵ This means that human resource autonomy should not be understood merely as the authority to recruit, regulate, and evaluate employees, but must also include clarity of status, career certainty, and welfare protection.

Problems arise when institutional autonomy opens up excessively wide variations in internal arrangements. Non-ASN personnel in state universities with legal entity status may be regulated through statutes, rector regulations, rector decrees, employment contracts, or other internal mechanisms. These variations provide flexibility for universities, but at the same time may create uncertainty regarding status, differences in rights, differences in career paths, and differences in social protection. A study on non-ASN personnel in state universities with legal entity status shows that the absence of explicit national regulation may create legal uncertainty concerning the rights, obligations, social security, and continuity of employment of non-ASN personnel.³⁶

³⁵ Kartika Widya Utama, "Otonomi Pengelolaan Sumber Daya Manusia PTN-BH," *Masalah-Masalah Hukum* 46, no. 1 (2017): 92–99, <https://doi.org/10.14710/mmh.46.1.2017.92-99>.

³⁶ Khairani, Gusminarti, and Hilma, "Model Hubungan Hukum Pegawai Non-Aparatur Sipil Negara Pada Perguruan Tinggi Negeri Berbadan Hukum (PTN-BH) Di Indonesia."

This condition reveals a tension between autonomy and protection. On the one hand, state universities with legal entity status need flexibility to adapt to academic needs and higher education competition. On the other hand, flexibility without clear limits may produce legal ambiguity. Non-ASN personnel work in public institutions, but their employment relationships are often closer to a private law regime. This situation places non-ASN personnel in an ambivalent position: they perform functions within public institutions, yet do not always receive protection comparable to employees within the state employment regime.³⁷

A similar tension can be seen in the regulation of private lecturers. The Law on Teachers and Lecturers provides room for lecturers working in higher education institutions organized by society to receive income based on employment agreements or collective labor agreements. This arrangement indicates the existence of a private sphere in the relationship between lecturers and higher education institutions. However, such a relationship remains within the framework of statutory regulations because lecturers perform a profession recognized by the state and are bound by national academic standards. A study on the protection of private lecturers' salaries emphasizes that salary arrangements based on employment agreements do not eliminate government intervention, since the protection of lecturers' salaries must still refer to statutory regulations.³⁸

Article 52 of the Law on Teachers and Lecturers becomes an important point in understanding the limits of university autonomy. The provision recognizes lecturers' right to decent income, but for lecturers in private higher education institutions, the basis of income is closely linked to employment agreements or collective labor agreements. This construction contains two meanings. First, higher education institutions have room to regulate employment relations according to their capacity and institutional characteristics. Second, the state remains responsible for ensuring that this regulatory space does not eliminate the substance of lecturers' right to decent income. Thus, Article 52 should not be read as a release of state responsibility, but rather as a norm that requires the strengthening of minimum standards.

The fundamental issue lies in bargaining power. In employment relations strongly influenced by the need for homebase recognition, academic rank, certification, research access, and academic career continuity, lecturers are not always in an equal position with higher education institutions. Non-ASN lecturers need institutions to perform the *tridharma*, obtain administrative recognition, develop academic rank, and access the research ecosystem. This dependence means that employment agreements cannot always be assumed to arise from equal bargaining positions. University autonomy must therefore be balanced by protective standards that prevent lecturers from being placed in relationships that are overly dependent on unilateral institutional policies.

The risk of unequal bargaining power within higher education institutions is not an isolated phenomenon. A study on the ambiguous status of part-time student workers in a campus environment shows that unilateral changes in employment status may eliminate the element of agreement, shift the logic of wages into pocket

³⁷ Khairani, Gusminarti, and Hilma.

³⁸ Adi, "Perlindungan Terhadap Gaji Dosen Swasta Menurut Undang-Undang Nomor 14 Tahun 2005 Tentang Guru Dan Dosen."

money, and weaken access to legal protection. The study also explains the existence of disguised employment relationships when certain legal forms are used to reduce the protection that should be provided to workers.³⁹ Although the object of that study is different, its argument is important in showing that higher education institutions may also produce legal vulnerability when institutional flexibility is not controlled by the principles of justice and minimum protection.

The analogy with part-time student workers is limited to one dimension: unequal bargaining power produced by institutional dependence. It is not used as evidence that non-ASN lecturers share the same legal status or employment conditions. Likewise, international literature on contingent academics is used to identify possible dimensions of vulnerability, not to establish empirical facts about Indonesian lecturers.

University autonomy must also be read within the context of global changes in higher education. Modern universities increasingly face demands of efficiency, reputational competition, publication, accreditation, ranking, and revenue generation. Studies on academic capitalism show that universities no longer always operate as neutral public institutions, but may act like organizations pursuing reputation and revenue.⁴⁰ This pressure may lead academic labor costs to be viewed as operational burdens that need to be controlled. In such a situation, non-ASN lecturers become a vulnerable group because flexibility in human resource management is more easily directed toward cost efficiency than toward strengthening academic welfare.

The public function of higher education must limit this tendency toward marketization. Higher education indeed requires efficiency, sound governance, and institutional accountability. However, efficiency must not become a basis for lowering the standards of protection for the academic profession. Accountability should not be imposed only on lecturers through publications, teaching loads, and research outputs. It must also be imposed on higher education institutions and the state through the fulfillment of academic welfare. Higher education that demands lecturer productivity without ensuring decent income creates an imbalance between obligations and protection.

The limits of state responsibility within university autonomy can be formulated through three principles. First, the state remains responsible for establishing minimum standards of protection for non-ASN lecturers because lecturers perform the public function of higher education. Second, higher education institutions should continue to have room to manage resources according to their autonomy, but this autonomy must be subject to the principles of justice, legal certainty, and non-discrimination. Third, state supervision does not have to take the form of administrative intervention that eliminates autonomy. It may instead take the form of regulation on decent income standards, transparency of income components, social security, reporting obligations, and the integration of lecturer welfare into the quality assurance system.

³⁹ Patricia Nerissa Krisna Putri and Markus Togar Wijaya, "Magang Atau Pekerja? Menggugat Status Abu-Abu Tenaga Paruh Waktu Mahasiswa Di Fakultas Hukum UGM," *Jurnal Hukum & Pembangunan* 56, no. 1 (2026): 31–54, <https://doi.org/10.21143/jhp.vol56.no.1.2192>.

⁴⁰ Jessop, "Varieties of Academic Capitalism and Entrepreneurial Universities: On Past Research and Three Thought Experiments."

This formulation of limits is important so that university autonomy does not become a privatization of state responsibility. The state may share roles with higher education institutions, but it cannot release its responsibility for the academic profession that supports the national education mandate. Higher education institutions may determine remuneration schemes, but the state must ensure that such schemes do not fall below a decent standard of living and do not place non-ASN lecturers in uncertainty of protection. In this way, autonomy is preserved, but it is placed within the framework of the welfare state and legal responsibility in higher education.

This understanding has consequences for the direction of income regulation for non-ASN lecturers. The state cannot merely recognize lecturers' rights in general norms. It must ensure that such norms have operational measures that can be supervised. These measures do not have to be uniform for all higher education institutions, but they must contain clear and reasonable minimum limits related to tridharma workload, qualifications, academic rank, length of service, and decent living needs. Accordingly, university autonomy is not placed in opposition to lecturer welfare, but is directed toward ensuring the quality of higher education through the protection of its academic actors.

A New Direction of State Responsibility for Decent Income for Non-ASN Lecturers

A new direction of state responsibility for decent income for non-ASN lecturers must be built upon the recognition that non-ASN lecturers perform the public function of higher education and do not merely work within a private relationship with higher education institutions. Lecturer income, therefore, cannot be separated from the constitutional mandate of education, the right to work and a decent livelihood, fair legal certainty, and state responsibility within the welfare state. This reading is important so that the issue of non-ASN lecturer income does not remain confined to institutional financial capacity, but is elevated into a public law issue concerning the quality and sustainability of higher education.

State responsibility does not mean that the state must fully finance or directly pay every income component of non-ASN lecturers. The baseline obligation is regulatory: to define minimum protection, allocate competent authorities, provide supervision and remedies, and create lawful support mechanisms for institutions that cannot meet the baseline without assistance. Any public funding mechanism must have a specific legal and budgetary basis. The constitutional education-budget mandate supplies a general fiscal commitment to education, but it does not by itself create an earmarked entitlement for non-ASN lecturer remuneration.

The need for minimum standards becomes stronger because the income arrangements of private lecturers have long been closely linked to employment agreements or collective labor agreements. This model gives higher education institutions room to regulate income according to institutional capacity, but it still raises questions about the degree of protection provided to lecturers. A study on the protection of private lecturers' salaries emphasizes that arrangements through employment agreements must still refer to statutory regulations, meaning that government intervention does not disappear in the relationship between lecturers

and higher education providers.⁴¹ The state, therefore, remains obliged to ensure that contractual space does not reduce the substance of lecturers' right to decent income.

The first reform is a *de lege ferenda* minimum-income standard for non-ASN lecturers. It should not be described as an existing profession-specific minimum unless and until a competent rule-maker establishes it. The legal design should identify the authorized norm-maker, the relationship with general wage law, the categories of lecturers covered, and objective factors such as tridharma workload, qualification, academic rank, length of service, and decent-living needs. The standard should operate as a floor rather than a uniform national salary, leaving institutions free to provide higher remuneration and additional benefits.

These minimum standards should be understood as a baseline, not as total uniformity. Higher education institutions with stronger financial capacity may still provide higher income. Institutions with limited financial capacity may be given room to adjust their internal schemes, but they should not fall below minimum protective standards. This model maintains a balance between university autonomy and state responsibility. Experience in regulating lecturer welfare under Regulation of the Minister of Education, Culture, Research, and Technology Number 44 of 2024 shows that the strengthening of lecturer welfare norms continues to face challenges related to budget limitations, fund distribution, regional disparities, and differences in institutional capacity.⁴² These limitations demonstrate the need for a policy design that is not only normative, but also operational.

The second reform concerns higher-education funding, but the constitutional requirement that education receive at least twenty percent of the State and Regional Budgets should not be read as an automatic earmark for non-ASN lecturer welfare. Public support for lecturer protection would require an explicit fiscal mechanism in legislation, implementing regulation, or an authorized funding program. Such support may be designed as a conditional grant, matching scheme, or targeted assistance for institutions that demonstrate financial constraints while meeting transparency and governance requirements. This approach distinguishes the constitutional budgeting mandate from a specific expenditure entitlement.⁴³

A protection-performance funding scheme would require at least four safeguards. Eligibility should be based on verified financial need and compliance with transparent employment records; indicators should include timely payment, social-security enrollment, status clarity, and access to competency development; verification should combine institutional reporting with auditable documentary evidence; and anti-avoidance rules should prohibit shifting compliance costs to lecturers or underreporting employment problems. Funding should supplement, not replace, the provider's primary obligations and should be periodically evaluated for fiscal effectiveness.

⁴¹ Adi, "Perlindungan Terhadap Gaji Dosen Swasta Menurut Undang-Undang Nomor 14 Tahun 2005 Tentang Guru Dan Dosen."

⁴² Abdillah, "Kesejahteraan Dosen Dalam Konteks Permendikbudristek No. 44 Tahun 2024 Tinjauan Kebijakan Publik Dan Studi Komparatif Negara Malaysia Dan Filipina."

⁴³ Eka NAM Sihombing and Cynthia Hadita, "Persamaan Hak Atas Pendidikan Terhadap Penerapan Sistem Zonasi," *Jurnal HAM* 12, no. 2 (2021): 179-92, <https://doi.org/10.30641/ham.2021.12.179-192>.

The third direction is to place social security as part of academic welfare. Decent income does not only refer to regular payment, but also to protection against social risks, such as illness, work accidents, death, old age, and loss of income. Studies on private lecturers' salaries have shown that private lecturers are entitled to labor social security under statutory regulations, and that occupational safety and health protection may form part of allowances or other forms of welfare.⁴⁴ Strengthening social security is important because non-ASN lecturers do not always receive protection equivalent to ASN lecturers, even though their academic responsibilities may be the same.

A comparison with honorary teacher policy shows that the problem of non-ASN educators concerns not only salary, but also social security, job security, and support for self-development. A study on employment social security for honorary teachers emphasizes that the state may be present through policy integration among the central government, local governments, and BPJS Ketenagakerjaan to ensure that non-ASN educators receive social protection.⁴⁵ This pattern can serve as an inspiration for non-ASN lecturers, especially to ensure that all lecturers who perform the tridharma have active social security membership, clear contribution financing, and monitoring mechanisms that can be supervised by the state.

The fourth direction is to build legal certainty regarding the status and rights of non-ASN lecturers. Legal certainty is a prerequisite before welfare can be realized. Without clear status, rights to income, social security, career paths, and employment protection will easily depend on internal policies. Studies on informal workers show that workers who are not comprehensively regulated tend to face wage inequality, disparities in benefits, limited access to protection, and weak social security. Legal certainty is therefore needed to guarantee rights, protection, welfare, and equal treatment.⁴⁶ Although non-ASN lecturers are not informal workers, this framework is relevant because it similarly shows that unclear norms may cause protection to depend on bargaining position.

Legal certainty for non-ASN lecturers must cover at least four matters. First, clarity of employment or staffing status with higher education institutions. Second, clarity regarding income rights and welfare components. Third, clarity of career paths, evaluation, and competency development. Fourth, clarity of dispute resolution mechanisms when lecturers' rights are not fulfilled. A study on permanent non-civil servant lecturers in religious higher education institutions shows that obstacles to the implementation of lecturers' rights may arise from budget limitations, inpassing issues, certification quotas, and weak sanction

⁴⁴ Adi, "Perlindungan Terhadap Gaji Dosen Swasta Menurut Undang-Undang Nomor 14 Tahun 2005 Tentang Guru Dan Dosen."

⁴⁵ Mochammad Fatkhurrohman and Nabil Lintang Pamungkas, "Kanalisis Kebijakan Jaminan Sosial Ketenagakerjaan Untuk Peningkatan Kesejahteraan Guru Honorer Di Indonesia," *Jurnal Jamsostek* 3, no. 1 (2025): 48–67, <https://doi.org/10.61626/jamsostek.v3i1.106>.

⁴⁶ Muhammad Prasetyo Wicaksono et al., "Quo Vadis: Legal Certainty of Informal Worker Through Manpower Act," *JCH (Jurnal Cendekia Hukum)* 8, no. 2 (2023): 301–13, <https://doi.org/10.33760/jch.v8i2.619>.

mechanisms.⁴⁷ This condition indicates that recognition of rights without clear implementing instruments will produce uneven protection.

Lecturer welfare can be connected to higher-education quality assurance through a limited set of measurable institutional indicators, such as the proportion of lecturers with clear employment status, active social-security coverage, transparent remuneration components, reasonable workload documentation, and access to competency development. These indicators should function as evidence that an institution has the human-resource conditions necessary to sustain academic quality. Quality-assurance bodies should not be transformed into general labor inspectorates; suspected labor-law violations should remain within the competence of labor authorities and courts, while quality assurance uses welfare indicators only insofar as they affect the sustainability and integrity of academic processes.⁴⁸

Strengthening welfare indicators in quality assurance is also important to balance the growing pressure of academic work. Modern higher education systems require lecturers to produce publications, obtain grants, supervise students, fulfill lecturer workloads, improve competencies, and participate in community service. Studies on academic capitalism show that the marketization of higher education and dependence on non-state income may increase job insecurity and academic stress, especially when universities operate under the logic of competition and efficiency.⁴⁹ If performance pressure continues to increase while welfare remains unprotected, higher education will build quality in an imbalanced way because the burden of quality is placed on lecturers without adequate support.

Corrective protection should operate through a layered forum. Internal grievance procedures provide the first accessible channel; labor institutions and mediation address employment disputes falling within their competence; higher-education authorities supervise compliance with lecturer-status and academic-governance rules; and courts remain available for legally justiciable disputes. Institutions should prohibit retaliation affecting homebase status, teaching allocation, academic-rank processing, or access to tridharma activities solely because a lecturer files a good-faith complaint. Clear referral rules are necessary so that the same dispute is not duplicated across oversight bodies.⁵⁰

The seventh direction is to place income policy for non-ASN lecturers within a fair labor law policy framework. Lecturers indeed have the character of an academic profession, but they remain working subjects who need protection regarding income, working time, social security, and fair treatment. Studies on fair labor policy emphasize that the government needs to protect workers who are socio-economically weaker than employers through the fulfillment of the right to work,

⁴⁷ Naura Nisrina, Lintje Anna Marpaung, and Erlina B, "Analisis Implementasi Pasal 8 Peraturan Menteri Agama (PMA) Nomor 3 Tahun 2016 Tentang Hak Dan Kewajiban Dosen Tetap Bukan PNS (Studi UIN Raden Intan Lampung)," *Jurnal Kewarganegaraan* 6, no. 2 (2022): 3316–25.

⁴⁸ Solomon and Du Plessis, "Experiences of Precarious Work within Higher Education Institutions: A Qualitative Evidence Synthesis."

⁴⁹ Sean O'Brady, Greg J. Bamber, and Brian Cooper, "Academic Capitalism and Precarity in the Neoliberal University: Job Insecurity and Stress in Two Liberal Market Economies," *Industrial Relations Journal* 56, no. 4 (2025): 291–300, <https://doi.org/10.1111/irj.12466>.

⁵⁰ Arliman S et al., "Legal Assistance for the Poor to Reach Justice."

fair remuneration, and decent treatment.⁵¹ In the context of non-ASN lecturers, a relationship framed as academic must not obscure the reality that there is an employment or staffing relationship containing unequal bargaining power.

The eighth direction is to avoid a partial reading of lecturer welfare. The experience of honorary teachers shows that the same workload as employees with more protected status does not automatically produce the same rights. A study on honorary teacher salaries found a significant gap between honorary teachers and ASN teachers even though they may perform similar workloads. It also emphasizes the need for government policy that specifically regulates salaries so that the welfare of honorary teachers can be achieved.⁵² This comparison is relevant for non-ASN lecturers because it shows the danger of allowing non-ASN educators to remain in income schemes that are too dependent on limited funding sources and institutional policies.

Low income also has layered impacts on the quality of education. A study on high school teachers in East Sumba shows that low salaries may affect the fulfillment of basic needs, access to health, teaching ability, motivation, and social perceptions of the teaching profession.⁵³ Although the object of that study is teachers, its conceptual relationship can be used to understand lecturers. Inadequate income for non-ASN lecturers may affect academic concentration, research productivity, supervision quality, participation in community service, and professional resilience. The state should therefore view educator welfare as an investment in quality, not merely as a budgetary burden.

The ninth direction is to formulate a division of responsibility among the state, higher education institutions, and organizing bodies. The state establishes minimum standards, develops funding policies, supervises the fulfillment of rights, and provides protection mechanisms. Higher education institutions design income structures, ensure transparency, provide social security, support competency development, and report on the fulfillment of lecturer welfare. Organizing bodies of private higher education institutions must ensure that institutional financial capacity is not built by suppressing lecturer income below decent standards. Local governments may also play a role in supporting certain forms of higher education, particularly when higher education institutions contribute directly to regional development.

⁵¹ Fitriana Fitriana, "Menggagas Arah Kebijakan Ketenagakerjaan Yang Berkeadilan Demi Mewujudkan Kesejahteraan Pekerja/Buruh," *Jurnal Hukum & Pembangunan* 52, no. 2 (2022): 6–30, <https://scholarhub.ui.ac.id/jhp/vol52/iss2/3>.

⁵² Anwar Dhobith, "Analisis Kebijakan Gaji Guru Honorer Terhadap Kesejahteraan Hidup Guru Honorer Di Indonesia," *Jurnal Paramurobi* 7, no. 1 (2024): 44–62.

⁵³ Muhammad Bintang Adiatma, Muhammad Rizky Hawari, and Farzan Fahrezi Syarif, "Pengaruh Gaji Rendah Terhadap Kesejahteraan Guru SMA Di Kabupaten Sumba Timur, Provinsi Nusa Tenggara Timur," *Cendekia: Jurnal Pendidikan Dan Pengajaran* 1, no. 3 (2023): 48–57.

Table 1. Terms of a core duty, legal instrument, funding role, monitoring forum, and remedy

Actor	Core duty	Primary instrument	Funding role	Monitoring / remedy
Central government	Set minimum protection and national supervision	Statute / government or ministerial regulation within delegated authority	Targeted support where legally authorized	Higher-education and labor oversight; judicial review
Higher-education institution	Pay remuneration, ensure status clarity, social security, workload transparency, and professional support	Employment agreement, institutional regulation, internal policy	Primary operational responsibility	Internal grievance; labor dispute mechanisms
Organizing body / foundation	Ensure institutional financing does not suppress minimum lecturer protection	Governance and budget rules consistent with law	Capital and institutional support	Internal governance and external supervision
Regional government	Support regional higher-education objectives where legally permitted	Regional policy / program within competence	Optional co-funding or facilitation	Administrative accountability and audit

For implementation, the division of responsibility should be stated in terms of a core duty, legal instrument, funding role, monitoring forum, and remedy. The table below summarizes the proposed allocation; it is a prescriptive design rather than a statement that every mechanism already exists under current law.

This division of responsibility must be supported by more operational regulation. General provisions in the Law on Teachers and Lecturers, the Law on Higher Education, the Government Regulation on Lecturers, and relevant ministerial regulations concerning lecturers need to be translated into measurable standards. These standards may include minimum income components, mandatory social security participation, transparency in contracts or employment agreements, proportional workload arrangements, access to competency development, and protection of academic freedom. The state does not have to regulate every technical detail of salary administration, but it must determine a minimum threshold that higher education institutions may not violate.

Proposals are therefore sequenced by legal feasibility. Immediate measures can focus on transparent status, social-security compliance, contract clarity, complaint protection, and standardized reporting. Medium-term reform requires a competent regulation defining a minimum income floor and the relationship between that floor and existing wage law. Longer-term reform may integrate

verified welfare indicators into funding and quality assurance after fiscal modelling and institutional-competence issues have been resolved.

The tenth direction is to build a supervisory system that is not only administrative, but also substantive. Supervision of non-ASN lecturer welfare should not be limited to formal documents. The state needs to assess whether income components are actually paid, whether social security is active, whether workload is proportionate to compensation, whether lecturers have access to competency development, and whether complaint mechanisms function properly. A study on state responsibility during the pandemic provides a lesson that public policies affecting basic rights must be followed by state responsibility to ensure the fulfillment of people's basic needs.⁵⁴ In the context of higher education, this responsibility means that the state must ensure that the higher education system does not demand the tridharma without protecting the welfare of those who perform it.

The role of the Constitutional Court in welfare state issues also provides an important framework, although the ongoing case concerning lecturer income is not used as the main basis of analysis. A study on Constitutional Court decisions within the welfare state shows that labor, education, health, social security, and housing are key policy fields directly related to citizens' welfare.⁵⁵ This framework shows that the issue of non-ASN lecturer income lies at the intersection of education, labor, and social security. This position strengthens the argument that the protection of non-ASN lecturers cannot be fully left to private logic or institutional autonomy.

This analytical convergence shows that decent income for non-ASN lecturers lies at the intersection of the public function of higher education, university autonomy, and state responsibility within the welfare state. Non-ASN lecturers should not be left in an ambivalent position, where they are required to perform the tridharma fully while their welfare is treated as if it were merely an internal matter of higher education institutions. A new direction of state responsibility must organize this position through minimum income standards, funding support, social security, clarity of status, quality oversight, and legal protection. Under this construction, academic welfare functions as a legal instrument to protect lecturers' dignity while ensuring the quality of higher education.

CONCLUSION

Academic welfare is best understood as a proposed legal framework built on, but not identical to, protections already recognized in Indonesian law. *De lege lata*, lecturers possess rights relating to income, professional protection, development opportunities, academic freedom, and access to academic facilities, while employment and institutional rules determine many operational details for non-ASN categories. The principal normative gap identified in this article is not the complete absence of rights but the lack of a sufficiently determinate and consistently enforceable minimum architecture across heterogeneous non-ASN employment regimes.

⁵⁴ Disantara, "Tanggung Jawab Negara Dalam Masa Pandemi Covid-19."

⁵⁵ F.A. Batubara, S.A., Tanwin, M.S., Yosephine, "Peran Putusan Mahkamah Konstitusi Untuk Menentukan Kebijakan Pokok Dalam Negara Kesejahteraan Di Indonesia," *Diversi Jurnal Hukum* 7, no. 1 (2021): 129–50.

The proposed reform should proceed in stages. In the immediate term, regulators and institutions should strengthen status clarity, contract transparency, social-security compliance, anti-retaliation complaint mechanisms, and auditable welfare reporting. In the medium term, a competent national rule should formulate a legally justified minimum-income floor for defined non-ASN lecturer categories and specify its relationship with general wage law and university autonomy. In the longer term, targeted funding support and a limited set of welfare-related quality indicators may be introduced after fiscal and institutional-impact assessment. This normative study does not test actual salary distributions, the financial capacity of individual institutions, fiscal costs, or the real-world effectiveness of the proposed standards. Those matters require empirical and economic evaluation before implementation.

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