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The Legal Status of Private University Lecturers Appointed under Employment Contracts with Foundations

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Abstract

The appointment of lecturers at private universities by foundations through employment agreements creates legal complexities because it places lecturers at the intersection of education law and labor law regimes. This situation generates uncertainty regarding the legal status of lecturers and the appropriate dispute resolution forum when conflicts arise between lecturers and foundations. This study aims to analyze the legal relationship between lecturers and foundations based on the Foundation Law and the Teachers and Lecturers Law and to examine whether disputes arising from such relationships should be classified as industrial relations disputes or other judicial jurisdictions based on the substance of the dispute itself. This research employs a normative juridical method using statutory and conceptual approaches. The findings reveal a discrepancy between legal norms that position lecturers as professionals within the higher education system and the practice of appointment through employment agreements that tend to resemble industrial relations. Consequently, the legal status of lecturers reflects a hybrid relationship combining professional and contractual employment dimensions. Therefore, disputes between lecturers and foundations cannot automatically be categorized as industrial relations disputes but must instead be assessed based on the substance of the dispute, the source of rights involved, and the character of the underlying legal relationship. Theoretically, this study strengthens the concept of hybrid legal relationships in the legal status of private university lecturers; practically, it provides an argumentative basis for developing more legally certain mechanisms for lecturer appointments and dispute resolution.

Keywords: *Private Lecturers, Employment Contracts, Foundations, Legal Status*

Abstrak

Pengangkatan dosen perguruan tinggi swasta oleh yayasan melalui perjanjian kerja menimbulkan problematika hukum karena menempatkan dosen pada persimpangan antara rezim hukum pendidikan dan hukum ketenagakerjaan. Kondisi ini memunculkan ketidakjelasan mengenai status hukum dosen serta

forum penyelesaian sengketa yang berwenang ketika terjadi konflik antara dosen dan yayasan. Penelitian ini bertujuan untuk menganalisis konstruksi hubungan hukum antara dosen dan yayasan berdasarkan Undang-Undang Yayasan dan Undang-Undang Guru dan Dosen, serta mengkaji kualifikasi sengketa yang timbul apakah termasuk perselisihan hubungan industrial atau yurisdiksi peradilan lainnya berdasarkan substansi sengketa. Penelitian ini menggunakan metode yuridis normatif dengan pendekatan perundang-undangan dan pendekatan konseptual. Hasil penelitian menunjukkan adanya ketidaksesuaian antara norma hukum yang menempatkan dosen sebagai tenaga profesional dengan praktik pengangkatan melalui perjanjian kerja yang cenderung membentuk hubungan industrial. Akibatnya, kedudukan hukum dosen menjadi bersifat campuran antara hubungan profesional dan hubungan kerja kontraktual. Oleh karena itu, sengketa antara dosen dan yayasan tidak dapat secara otomatis dikualifikasikan sebagai perselisihan hubungan industrial, melainkan harus dinilai berdasarkan substansi, sumber hak, dan karakter hubungan hukum yang mendasarinya. Secara teoretis, penelitian ini memperkuat konsep hubungan hukum campuran dalam status dosen perguruan tinggi swasta; secara praktis, penelitian ini memberikan dasar argumentatif bagi perumusan mekanisme pengangkatan dan penyelesaian sengketa yang lebih memberikan kepastian hukum.
Kata kunci: *Dosen Swasta, Perjanjian Kerja, Yayasan, Kedudukan Hukum.*

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Introduction

The appointment of lecturers at private universities through employment agreements has become an increasingly significant issue in countries with expanding non-state higher education sectors, including Malaysia, Türkiye, and Saudi Arabia.[1] The rapid growth of private higher education institutions in these jurisdictions has been accompanied by governance reforms emphasizing institutional efficiency, contractual

[1] Yi Lin Lee and Szu Wei Yang, "Innovations in the Personnel and Pay System for National University Corporations in Japan," *Journal of Research in Education Sciences* 67, no. 2 (2022), https://doi.org/10.6209/JORIES.202206_67(2).0008; Jayashree Sapra et al., "Spirituality at Workplace and Its Impact on Academic Performance: An Empirical Study among Private Higher Education Faculties of Delhi NCR," *Journal of Organizational Change Management* 35, no. 1 (2022), https://doi.org/10.1108/JOCM-08-2020-0248

employment arrangements, and performance-based management systems.[2] Consequently, universities increasingly rely on employment contracts to regulate academic staffing and institutional accountability. While such reforms have contributed to organizational flexibility and competitiveness, they have also generated debates concerning the protection of lecturers' professional status, academic freedom, and institutional autonomy. In several jurisdictions, lecturers appointed under employment contracts are frequently positioned within labor-management frameworks similar to ordinary employees, creating tension between academic professionalism and managerial control. This development demonstrates that the legal relationship between lecturers and private educational institutions can no longer be understood solely as an ordinary employment relationship but instead reflects a more complex legal relationship involving professional, institutional, and academic dimensions.[3]

In Indonesia, this issue becomes more complex because private universities are generally administered by foundations, which are nonprofit legal entities that possess the authority to appoint and dismiss lecturers. Normatively, Law Number 14 of 2005 concerning Teachers and Lecturers positions lecturers as professionals with strategic roles in advancing education, scientific development, and community service. However, in practice, many foundations appoint lecturers through employment agreements that incorporate the classical elements of labor relations: work, wages, and subordination. The significance of this issue is evident in the structure of Indonesia's higher education system, where private higher education institutions dominate the national higher education landscape.[4]

Data from the Higher Education Database (PDDIKTI) indicate that Indonesia had approximately 4,416 higher education institutions in 2025, with private institutions constituting the largest proportion of the sector.[5] Earlier PDDIKTI statistics further show

[2] Henry Cadena-Povea et al., "What Pushes University Professors to Burnout? A Systematic Review of Sociodemographic and Psychosocial Determinants," in *International Journal of Environmental Research and Public Health*, vol. 22, no. 8, preprint, 2025, https://doi.org/10.3390/ijerph22081214.

[3] Siti Mursidah et al., "Advocating for Sustainable Work: A Legal Perspective on Labor Regulation and Human Resources Practices in Indonesian Higher Education," *Indonesian Journal of Advocacy and Legal Services* 7, no. 2 (2025), https://doi.org/10.15294/ijals.v7i2.29155.

[4] Hidayat Hidayat and Hilalludin Hilalludin, "Hak Kewajiban Dan Tanggung Jawab Guru Dalam Pendidikan Indonesia," *Jurnal Motivasi Pendidikan Dan Bahasa* 2, no. 3 (2024), https://doi.org/10.59581/jmpb-widyakarya.v2i3.3875.

[5] Ministry of Higher Education, Science, and Technology, *Statistik Pendidikan Tinggi 2025*; Badan Pusat Statistik, *Jumlah Perguruan Tinggi, Dosen, dan Mahasiswa (Negeri dan Swasta) Menurut Provinsi, 2024*.

that private higher education institutions accounted for approximately 3,129 institutions, representing approximately 68% of all higher education institutions in Indonesia. In addition, private universities accommodate a larger number of students than public universities, with approximately 4.58 million students enrolled in private institutions compared to 3.87 million students in public institutions. These figures demonstrate that legal issues concerning the appointment, employment status, and protection of private university lecturers affect a substantial segment of Indonesia's higher education system. Empirically, various disputes concerning lecturer dismissal, remuneration rights, termination of employment, and restrictions on academic freedom also demonstrate the absence of legal certainty regarding the competent dispute resolution forum.

The main legal issue arises when a lecturer at a private university is dismissed by a foundation based on their employment agreement. In such circumstances, an important legal question emerges regarding whether the dispute should be classified as an industrial relations dispute because it contains elements of work, wages, and subordination, or whether it should be treated as a civil or educational dispute because lecturers are professional academics with academic autonomy and scholarly independence. This uncertainty reflects the overlapping and fragmented regulations between education, foundation, and labor laws.[6] Consequently, uncertainty arises in determining the appropriate dispute resolution forum, whether through the Industrial Relations Court or general courts. In judicial practice, this condition also creates the potential for inconsistent decisions and forum shopping because disputes are often classified solely based on the existence of employment agreements without adequately considering the substantive character of the underlying legal relationship.[7]

Previous studies have examined the legal status of lecturers in private higher education institutions from different perspectives. The first group of studies tends to classify private university lecturers as workers because the relationship between lecturers and foundations contains the essential elements of employment relationships, namely

[6] Jayashree Sapra et al., "Spirituality at Workplace and Its Impact on Academic Performance: An Empirical Study among Private Higher Education Faculties of Delhi NCR," *Journal of Organizational Change Management* 35, no. 1 (2022), https://doi.org/10.1108/JOCM-08-2020-0248.

[7] Bilge Şenyüz et al., "Integrating GenAI into Communication Education for 'Generation Prompt': An Exploration of Academics' Perspectives on Its Benefits, Challenges, and Future Prospects in Turkiye," *Encontros Bibli* 30 (2025), https://doi.org/10.5007/1518-2924.2025.e103465.

work, wages, and subordination.[8] This perspective is reflected in the works of Patrick M. Garry, which generally employ labor law approaches and emphasize the protection of lecturers' normative employment rights, including remuneration, social security, employment continuity, and access to industrial relations dispute mechanisms.[9] From this perspective, employment agreements establish legal relationships comparable to those existing between employers and workers in other sectors.

In contrast, the second group of studies argues that lecturers possess distinctive professional characteristics that cannot be fully equated with those of ordinary workers. This perspective is represented by the works of Janika Spannagel, which emphasize academic freedom, institutional autonomy, scientific independence, and the professional responsibilities attached to the implementation of the Tridharma of Higher Education. According to this view, lecturers occupy a unique legal position governed not only by employment law, but also by higher education law and professional norms.[10] Nevertheless, previous research remains fragmented because it generally examines either the labor-law or professional-academic dimensions separately. Existing studies have not comprehensively analyzed the intersection of the Foundation Law, Teachers and Lecturers Law, Higher Education Law, and labor law in determining both the legal status of lecturers and the appropriate forum for dispute resolution. This gap forms the basis of the present study.[11]

Based on this gap, this study offers novelty through the concept of a hybrid legal relationship, which positions the relationship between lecturers and foundations not merely as an industrial or professional relationship, but as a combination of both. This study aims to analyze the construction of the legal relationship between lecturers and foundations and to determine the appropriate dispute resolution forum based on the substance of the dispute, the source of rights involved, and the character of the underlying legal relationship. To support this argument, the discussion in this study is structured into

[8] Arpangi et al., "Fairness in Contract Extension for Fixed-Term Employment: A Maqashid Syariah Perspective within Indonesia's Labor Law Framework," *Jurnal Ilmiah Mizani* 12, no. 1 (2025), https://doi.org/10.29300/mzn.v12i1.7159.

[9] Patrick M. Garry, "Threats to Academic Freedom in Higher Education," *Society* 60, no. 2 (2023), https://doi.org/10.1007/s12115-023-00821-4.

[10] Janika Spannagel, "The Constitutional Codification of Academic Freedom over Time and Space," *Global Constitutionalism* 14, no. 1 (2025), https://doi.org/10.1017/S2045381724000108.

[11] Oluwatoyin Dorcas Ayimoro, "Efforts of NNCAE in Repositioning Adult and Non– Formal Education for Relevance in Nigeria: The Gender Perspective," *The European Journal of Educational Sciences* 04, no. 03 (2017), https://doi.org/10.19044/ejes.v4no2a5.

an analysis of the legal relationship between lecturers and foundations, the implications of appointing lecturers through employment agreements on their legal status, and the construction of dispute resolution forums from the perspectives of education law and labor law.

Method

This study employs a normative juridical legal research method, using statutory and conceptual approaches. The statutory approach is applied to analyze the legal provisions governing the legal status of lecturers at private universities, the legal relationship between lecturers and foundations, and the relevant dispute resolution mechanisms. Meanwhile, a conceptual approach is used to construct legal arguments regarding the character of the legal relationship of lecturers situated at the intersection of education law and labor law. This study focuses on legal norms, principles, and concepts concerning the appointment of lecturers through employment agreements by foundations administering private universities.

The primary legal materials used in this study include the Foundation Law, Teachers and Lecturers Law, Higher Education Law, Manpower Law, Law on Industrial Relations Dispute Settlement, and various regulations concerning lecturers and higher education.[12] In addition, this study examines court decisions related to disputes between lecturers and foundations as part of the legal analysis. Secondary legal materials include scientific journal articles, legal textbooks, research findings, and scholarly doctrines relevant to the legal status of lecturers and industrial relations issues. Tertiary legal materials include legal dictionaries, encyclopedias, and other supporting documents.

The research procedure was conducted through the collection, identification, and classification of legal materials relevant to the research focus. Data collection was carried out through library research by examining statutory regulations, academic literature, and court decisions related to the legal status of lecturers at private universities. The collected legal materials were then analyzed qualitatively using prescriptive and interpretative analytical techniques to identify an appropriate legal construction regarding the relationship between lecturers and foundations, as well as the determination of the competent dispute resolution forum.

[12] T. S. Kasyanenko and A. P. Alekseeva, "Educational Resources Developers' Copyright," *Legal Order and Legal Values* 1, no. 2 (2023), https://doi.org/10.23947/2949-1843-2023-1-2-80-87.

The stages of analysis were conducted systematically, beginning with the examination of the legal relationship between lecturers and foundations, followed by the analysis of the implications of employment agreements on the legal status of lecturers, and concluding with the analysis of dispute qualification and the appropriate dispute resolution forum. Through this method, this study seeks to produce legal arguments capable of providing legal certainty regarding the status of private university lecturers and dispute resolution mechanisms that are more responsive to the professional character of lecturers in the higher education system.

Results and Discussion

The Legal Relationship Between Lecturers and Foundations as Administrators of Private Higher Education Institutions

The legal relationship between lecturers and foundations as administrators of private universities is complex and multidimensional. According to data from the Ministry of Education, Culture, Research, and Technology, most higher education institutions in Indonesia are private universities, with the number of private lecturers reaching hundreds of thousands and continuing to increase annually.[13] This indicates that the legal status of private lecturers has broad implications for the national higher education system.[14] In practice, the relationship between lecturers and foundations is not merely constructed through institutional administrative arrangements but also through professional and contractual relationships that frequently adopt the characteristics of labor relations under employment law.

An analysis of the Foundation Law and the Teachers and Lecturers Law demonstrates that this relationship cannot simply be reduced to an ordinary employment relationship because lecturers possess distinctive characteristics as professionals protected by academic autonomy and academic freedom. This finding is consistent with the study of Yeltriana and Kausar, which argues that private lecturers occupy an intersection between education law and labor law regimes. However, unlike those studies

[13] Dmitry V. Agashev and Irina P. Agasheva, "Features of the Actual Admission to Work of Scientific or Pedagogical Staff of an Educational Organization of Higher Education: Problems of Law Enforcement," *Vestnik Tomskogo Gosudarstvennogo Universiteta. Pravo*, no. 57 (2025), https://doi.org/10.17223/22253513/57/7.

[15] Olesya V. Shcherbakova, "Transformation of Legal Regulation of Labor Relations of Scientific and Pedagogical Workers of Modern Universities in the Digital Economy," Perspektivy Nauki i Obrazovania 54, no. 6 (2021), https://doi.org/10.32744/pse.2021.6.42.

that tend to position lecturers primarily as workers within industrial relations, this study demonstrates that the relationship between lecturers and foundations reflects a hybrid legal relationship that cannot be fully explained through labor law approaches alone.[15]

In the administration of private universities, lecturer status consists of several categories that influence the construction of the legal relationship. First, permanent lecturers are appointed on a permanent basis and bear primary responsibility for implementing the tridharma of higher education. Second, contract lecturers are appointed through employment agreements for a specific period, with rights and obligations regulated contractually. Third, non-permanent lecturers are appointed based on institutional needs with more limited academic responsibilities. Fourth, part-time lecturers or partial contract lecturers perform certain academic functions under flexible contractual arrangements. These variations indicate that the legal relationship between lecturers and foundations is not uniform; therefore, the legal approaches used to determine rights, obligations, and dispute resolution mechanisms cannot be applied uniformly.[16]

In practice, the governance of private universities increasingly emphasizes institutional efficiency, performance measurement, and flexibility in employment arrangements, while legal protection for private lecturers, particularly concerning labor rights, welfare, and legal certainty regarding their status, continues to face various challenges. This condition strengthens the argument that the legal relationship between lecturers and foundations involves not only academic dimensions but also economic, administrative, and labor-related dimensions.[17]

Based on the analysis, the legal relationship between lecturers and foundations can be understood through four principal characteristics, as presented in Table 1.

Table 1. Characteristics of the Legal Relationship Between Lecturers and Foundations

Aspect	Characteristics	Legal Implications

[15] Christine S.T. Kansil and Fauzan Rizki Parapat, "Juridical Analysis of the MBKM Internship Program from the Perspective of Employment Law and Constitutional Law: Between Fulfilling Student Rights and Obligations of Educational Institutions," *QISTINA: Jurnal Multidisiplin Indonesia* 3, no. 2 (2024), https://doi.org/10.57235/qistina.v3i2.4245.

[16] Nikolai P. Kushchev and Marina A. Fedotova, "Improving the Formation of Educational Programs of Higher Education, Taking into Account the Use of Professional Standards," *Alma Mater Vestnik Vysshey Shkoly*, no. 7 (2024), https://doi.org/10.20339/am.07-24.028.

[17] Arifuddin Muda Harahap et al., "Social Justice in the Welfare of Private Lecturers: A Legal Review of Salaries, Certification, and BPJS Ketenagakerjaan in Indonesia," *Jurnal IUS Kajian Hukum Dan Keadilan* 12, no. 3 (2024), https://doi.org/10.29303/ius.v12i3.1428.

Institutional Relationship	Lecturers are positioned within the organizational structure of universities administered by foundations	Foundations possess administrative authority concerning lecturer appointment, placement, and dismissal
Professional Relationship	Lecturers perform academic functions based on expertise and scholarly autonomy	Lecturers possess academic freedom that cannot be fully subordinated to foundation authority
Contractual Relationship	Relationships between lecturers and foundations are often formalized through employment agreements	Elements of work, wages, and contractual rights and obligations are present
Hybrid Legal Relationship	The relationship exists at the intersection of education law and labor law	No single legal regime can comprehensively explain the relationship

Source: Adapted by the author

Table 1 demonstrates that the legal relationship between lecturers and foundations is hybrid and cannot be understood solely through industrial relations approaches. From an institutional perspective, foundations possess administrative authority over lecturers as part of the university's organizational structure. However, lecturers simultaneously retain academic autonomy in carrying out the tridharma of higher education, meaning that the element of subordination cannot be applied absolutely, as in ordinary employment relationships.[18] This finding supports previous studies arguing that lecturers possess professional characteristics distinct from those of workers in general industrial sectors. Nevertheless, this study also demonstrates that the existence of employment agreements introduces labor-related elements such as work obligations, wages, and administrative supervision, which often causes lecturers to be positioned as workers within the industrial relations practices.[19]

Academic debates concerning the status of private lecturers are generally divided into two principal approaches. The first approach positions lecturers as workers because the relationship with foundations contains elements of work, wages, and directives. This approach emphasizes the importance of protecting lecturers' normative rights using labor

[18] Baseer Ali Durrani et al., "Implementation of E-Government in Welcoming the Contemporary Industrial Revolution 4.0 Era in Indonesia," *International Journal of Marketing Studies* 1, no. 1 (2014).

[19] Sofia Mshana et al., "Evaluation of APA Citation and Referencing Style for Dissertations Uploaded in the Mzumbe University Institutional Repository," *Sustainability (Switzerland)* 11, no. 1 (2023).

law mechanisms.[20] Conversely, the second approach emphasizes that lecturers are professionals with academic characteristics that cannot be fully equated with ordinary workers because of their academic freedom and scholarly responsibilities.[21]

This study adopts a more constructive position by demonstrating that these two approaches are not entirely contradictory but instead intersect within the practice of legal relationships between lecturers and foundations. Therefore, the relationship between lecturers and foundations is more appropriately understood as a hybrid legal relationship that combines professional, institutional, and contractual dimensions simultaneously. Consequently, the legal consequences arising from this relationship, including the regulation of rights, obligations, and dispute resolution, must be determined based on the substantive nature of the legal relationship rather than merely on the existence of employment agreements.

Implications of Appointing Faculty Members Under Employment Contracts on Their Legal Status

The appointment of faculty members at private universities through employment contracts has significant legal implications for their status in the university. An analysis of the provisions of the Teachers and Lecturers Act indicates that faculty members are classified as professionals who possess academic autonomy and scholarly responsibilities. However, in current practice, university administrators tend to use employment contracts to regulate their relationships with faculty members. This practice adopts the framework of an employment relationship under labor law, emphasizing subordination, wages, and directives.[22]

Research findings indicate that the use of such employment contracts results in a shift in the legal status of faculty members from one originally grounded in professionalism toward a position resembling that of a worker within industrial relations. This shift impacts not only the normative aspects but also the legal protections, rights,

[20] Muhammad Abdul Zalil et al., "Enhancing Student Autonomy and Moral Awareness through Regulatory Compliance-Based Reflective Learning," *Refleksi: Jurnal Penelitian Tindakan* 2, no. 2 (2025).

[21] Emine Aruğaslan, "Examining the Relationship of Academic Dishonesty with Academic Procrastination, and Time Management in Distance Education," *Heliyon* 10, no. 19 (2024), https://doi.org/10.1016/j.heliyon.2024.e38827.

[22] Evie Nofita, "Students' Preferences On Lecturers' Teaching Styles In Speaking Class," SSRN Electronic Journal 1, no. 1 (2020).

and obligations of faculty members.[23] In this context, the employment contract serves as an instrument that determines how the legal relationship is conducted, yet simultaneously has the potential to diminish the distinctive characteristics of lecturers as professionals.

To clarify these implications, the following presents a comparison between the normative legal status of lecturers and their status in the practice of appointment through employment contracts.

Table 2. Comparison of the Legal Status of Lecturers

Aspect	Normative Position (Law on Teachers and Lecturers)	Employment Agreement Practice
Legal Status	Professional personnel	Worker/employee
Basis of Relationship	Academic assignment	Employment agreement
Nature of Relationship	Academic autonomy	Subordination to employer
Focus of Activities	Tri Dharma of higher education	Fulfillment of work targets
Protection	Professional protection	Labor protection
Dispute Mechanism	Not specifically regulated	Tends toward industrial relations

Sumber: Adapted by the author

Based on Table 2, there is a fundamental discrepancy between the normative framework and prevailing practices. Within the normative framework, faculty members enjoy academic freedom and are not entirely subject to administrative directives. However, in the practice of employment contracts, faculty members are often positioned within an employment relationship structure that emphasizes compliance with the policies of the foundation as the employer. This indicates a discrepancy between legal norms in education and their implementation in practice.

The findings of this study demonstrate that the use of employment agreements in appointing lecturers has implications that extend beyond administrative employment arrangements and significantly affect the professional character of lecturers within the higher education system.[24] In practice, contractual arrangements tend to strengthen institutional control by foundations through performance targets, workload regulation, and administrative supervision. Several previous studies have argued that such

[23] Graham Benmore, "Perceptions of the Contemporary Academic Employment Relationship," International Studies in Sociology of Education 12, no. 1 (2002), https://doi.org/10.1080/09620210200200082

[24] Sri Sumarni, "Good University Governance Dan Implikasinya Terhadap Pengembangan Program Studi Pendidikan Agama Islam Fakultas Tarbiyah – UIN Sunan Kalijaga Yogyakarta," *Pendidikan Agama Islam* 6, no. 1 (2009).

arrangements are necessary to ensure institutional efficiency, accountability, and managerial effectiveness in private universities. From this perspective, employment contracts are viewed as legal instruments capable of creating measurable professional standards and organizational discipline.[25]

However, other studies emphasize that excessive contractual control may reduce academic autonomy because lecturers become increasingly oriented toward institutional performance indicators rather than academic development and scholarly independence. This study supports the latter view by demonstrating that, although lecturers are formally appointed through employment agreements, their academic responsibilities under the tridharma of higher education cannot be fully subordinated to managerial directives in the same manner as ordinary employment relationships.[26]

Furthermore, the use of employment agreements creates uncertainty regarding the legal status of lecturers because they simultaneously occupy professional and employment-based positions. On the one hand, lecturers are normatively recognized as professionals protected by academic freedom and scientific autonomy under higher education law.[27] In contrast, the existence of employment agreements places lecturers within a labor relationship framework that emphasizes subordination, wages, and institutional control. This duality creates ambiguity concerning the applicable legal regime, particularly in determining the form of legal protection and the appropriate dispute resolution mechanisms.[28] Sutherland argues that disputes involving lecturers should be resolved through industrial relations mechanisms because employment agreements contain the classical elements of labor relations. Nevertheless, this study finds that such an approach is insufficient because disputes involving lecturers frequently

[25] Amani Sabila et al., "Dampak Job Hopping Generasi Z Terhadap Hubungan Industrial Serta Perlindungannya Dalam Perspektif Ketenagakerjaan," *Prosiding Mimbar Justitia* 2, no. 1 (2025).

[26] Yen Hsiang Huang et al., "Respect and Trust: A Case Study of Higher Education Pay Scales in the United Kingdom," *Journal of Research in Education Sciences* 67, no. 2 (2022), https://doi.org/10.6209/JORIES.202206_67(2).0003.

[27] Qijun Li et al., "Leading New Employment Patterns And Impact On Innovation And Work Satisfaction Among Academic Staff In Malaysian Public Universities," Malaysian Online Journal of Educational Management 13, no. 4 (2025), https://doi.org/10.22452/mojem.vol13no4.4.

[28] Surya Nita, "The Legal Position Of Lecturer At University Which Incorporated As Foundation In Indonesia," Yustisia Jurnal Hukum 5, no. 3 (2017), https://doi.org/10.20961/yustisia.v5i3.8810.

concern academic evaluation, ethics, scientific autonomy, and professional responsibilities that cannot be fully addressed through labor law mechanisms alone.[29]

Consequently, disputes between lecturers and foundations should not automatically be classified as industrial relations disputes merely because an employment agreement exists; instead, the classification must be based on the substance of the dispute and the underlying legal relationship between the parties. Therefore, this study argues that the appointment of lecturers through employment agreements creates a hybrid legal relationship that requires a more contextual and balanced legal approach capable of accommodating both the professional nature of lecturers and the need for legal certainty in the governance of institutions.

The Legal Characterization of Disputes Between Lecturers and Foundations from a Procedural Law Perspective

The legal characterization of disputes between lecturers and foundations reflects significant legal uncertainty arising from the intersection between education law and labor law regimes. In practice, disputes involving lecturers are frequently classified as industrial relations disputes solely because lecturers are appointed through employment agreements.[30] However, such an approach creates fundamental legal problems because lecturers simultaneously possess professional academic status protected under higher education law.[31] Consequently, determining the appropriate dispute resolution forum becomes problematic, particularly when disputes involve not only employment rights but also academic freedom, professional evaluation, and the implementation of the tridharma of higher education. This situation demonstrates that the legal relationship between lecturers and foundations cannot be interpreted exclusively through labor law doctrine but instead requires a broader legal approach that accommodates the professional character of lecturers within the higher education system.[32]

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[29] Carolyn Sutherland, "Regulating for Job Security in Australian Universities," *Griffith Law Review* 34, no. 4 (2025), https://doi.org/10.1080/10383441.2025.2569159.

[30] Ade Aspandi et al., "Dialogic Leadership in Managing Islamic Boarding Schools for the Digital Generation," *Al-Tanzim: Jurnal Manajemen Pendidikan Islam* 9, no. 4 (2025), https://doi.org/10.33650/al-tanzim.v9i4.10754.

[31] Arpangi et al., "Fairness in Contract Extension for Fixed-Term Employment: A Maqashid Syariah Perspective within Indonesia's Labor Law Framework," *Jurnal Ilmiah Mizani* 12, no. 1 (2025), https://doi.org/10.29300/mzn.v12i1.7159.

[32] Nita Surya, "Kedudukan Dosen Pada Perguruan Tinggi Berbadan Hukum Yayasan Di Indonesia," in *Disertasi*, vol. 0, no. 0 (2017).

An analysis of labor law provisions concerning industrial relations disputes demonstrates that a dispute may be categorized as an industrial relations dispute if it fulfills the elements of an employment relationship based on employment agreements and concerns rights, interests, termination of employment, or disputes between labor unions. In practice, the existence of employment agreements between lecturers and foundations is often used as the primary basis for placing disputes within the jurisdiction of the Industrial Relations Court.[33] Nevertheless, the findings of this study indicate that such an approach is insufficient because the legal relationship between lecturers and foundations does not entirely correspond to the classical concept of employment relationships under labor law. Although elements such as work, wages, and institutional supervision are present, lecturers simultaneously possess academic autonomy and professional responsibilities protected by the Teachers and Lecturers Law and the Higher Education Law. Therefore, the legal status of lecturers cannot be equated entirely with that of ordinary workers in industrial relations.[34]

The Teachers and Lecturers Law confirms that lecturers are professionals with specific academic qualifications, competencies, and responsibilities in carrying out the tridharma of higher education.[35] Consequently, disputes between lecturers and foundations do not merely concern administrative and economic issues but frequently involve academic dimensions, such as academic freedom, scientific autonomy, academic ethics, academic rank assessment, and professional evaluation.[36] These dimensions cannot be fully accommodated within industrial relations dispute mechanisms because such mechanisms are principally designed to resolve economic and employment-related conflicts, rather than disputes involving academic autonomy and scholarly responsibilities. This creates ambiguity in determining the proper dispute resolution

[33] Francisco Javier Wong-Cabanillas et al., "The Perception of Teachers Regarding Entropy in University Institutional Management," *Journal of Educational and Social Research* 14, no. 3 (2024), https://doi.org/10.36941/jesr-2024-0058.

[34] Marvello Yang et al., "Leadership, Capability and Performance: A Study among Private Higher Education Institutions in Indonesia," *Heliyon* 9, no. 1 (2023), https://doi.org/10.1016/j.heliyon.2023.e13026.

[35] Neal H. Hutchens and Frank Fernandez, "Academic Freedom in Higher Education," in *Oxford Research Encyclopedia of Education* (2025), https://doi.org/10.1093/acrefore/9780190264093.013.1943.

[36] Mukhtaar Axmed Cumar et al., "Organizational Culture and Academic Staff Satisfaction in Somaliland Higher Education: Evidence from Structural Equation Modeling," *Frontiers in Education* 10 (2025), https://doi.org/10.3389/feduc.2025.1635607.

forum and demonstrates the existence of overlapping legal regimes governing the relationship between lecturers and foundations.[37]

To clarify the distinction between disputes involving lecturers and foundations and ordinary industrial relations disputes, the following table presents a comparative analysis of their legal characteristics.

Table 3. Comparison of Dispute Qualifications

Aspect	Lecturer–Foundation Dispute	Industrial Relations Dispute
Basis of Relationship	Hybrid relationship (professional and contractual)	Employment relationship
Legal Subjects	Lecturer as a professional academic	Workers/laborers and employers
Object of Dispute	Contractual rights, professional status, academic aspects	Employment rights, work interests, termination of employment
Dimension of Dispute	Administrative, economic, and academic	Economic and administrative
Nature of Authority	Academic and institutional authority	Employer authority
Dispute Resolution Forum	Unclear (Industrial Relations Court, general court, or administrative mechanism)	Industrial Relations Court

Source: Adapted by the author

Based on Table 3, disputes between lecturers and foundations possess a broader and more complex legal character than ordinary industrial relations disputes. Such disputes are not limited to employment rights arising from contractual relationships but also concern the professional and academic dimensions attached to lecturers as intellectual and scientific actors within higher education institutions. This finding supports the view that lecturers cannot be positioned solely as workers because their professional responsibilities involve scholarly autonomy and academic independence protected by higher education law.[38] At the same time, however, the existence of employment agreements creates contractual obligations that place lecturers within institutional employment structures. Consequently, the legal relationship between

[37] . Surya Nita, "The Legal Position Of Lecturer At University Which Incorporated As Foundation In Indonesia," Yustisia Jurnal Hukum 96 (2017), https://doi.org/10.20961/yustisia.v96i0.5028.

[38] Agus Suyatno and Suhermin Suhermin, "The Role Of Happiness In The Workplace In Mediating The Influence Of Digital Technology And Job Security On Lecturer Performance," International Conference of Business and Social Sciences, ahead of print, 2024, https://doi.org/10.24034/icobuss.v4i1.546.

lecturers and foundations demonstrates a hybrid legal character situated between education law and labor law.[39]

If the dispute concerns salaries, allowances, termination of employment, or normative rights arising directly from employment agreements, the Industrial Relations Court may constitute an appropriate forum because such disputes fulfill the essential elements of employment relationships under the Labor Law. In this context, lecturers may be treated similarly to workers engaged in contractual relationships with their employers.[40] However, if the dispute concerns academic freedom, academic rank assessment, the implementation of the tridharma of higher education, academic ethics, scientific autonomy, or professional status, settlement through industrial relations mechanisms alone is inadequate.[41] Such disputes contain academic and professional dimensions that require different approaches, including internal university mechanisms, administrative procedures, and civil claims before general courts. Furthermore, when disputes concern administrative decisions issued by universities or foundations, additional legal analysis is required to determine whether the dispute should be resolved through internal administrative mechanisms or other judicial forums, depending on the nature of the disputed object.[42]

The findings of this study further demonstrate that judicial practice in Indonesia still tends to classify disputes between lecturers and foundations as industrial relations disputes whenever employment agreements exist between the parties.[43] Such an approach reflects a formalistic interpretation that prioritizes contractual aspects over the substantive nature of the dispute.[44] However, this study argues that dispute classification should not

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[39] Farida Suldina Achmad and Ika Widiastuti, "Educator Recruitment and Selection Strategies in Private Universities in Indonesia: Policies and Practices," *AL-ISHLAH: Jurnal Pendidikan* 16, no. 4 (2024), https://doi.org/10.35445/alishlah.v16i4.6000.

[40] Gatot Subroto Widagdo, "Legal Certainty Of The Implementation Of Fixed-Time Employment Agreements After The Labor Creation Act Of 2023," Awang Long Law Review 7, no. 2 (2025), https://doi.org/10.56301/awl.v7i2.1886.

[41] Jürgen Enders et al., "Regulatory Autonomy and Performance: The Reform of Higher Education Re-Visited," *Higher Education* 65, no. 1 (2013), https://doi.org/10.1007/s10734-012-9578-4.

[42] Archana Sridhar, "Academic Freedom as Content Moderation: A Framework in Favor of Individual Rights and Institutional Autonomy," *Innovative Higher Education* 50, no. 3 (2025), https://doi.org/10.1007/s10755-024-09751-3.

[43] Janika Spannagel, "The Constitutional Codification of Academic Freedom over Time and Space," *Global Constitutionalism* 14, no. 1 (2025), https://doi.org/10.1017/S2045381724000108.

[44] Dahris Siregar, "Legal Protection in Specified-Term Employment Contracts: Striking a Balance between Workers' Rights and Obligations," *Istinbath : Jurnal Hukum* 22, no. 01 (2025), https://doi.org/10.32332/istinbath.v22i01.10252.

rely solely on the existence of employment agreements but must instead consider the substance of the disputed rights, the professional character of lecturers, and the broader legal framework governing higher education.[45] Overreliance on labor law mechanisms risks neglecting the academic dimensions inherent in the lecturer profession and may ultimately weaken academic autonomy within higher education institutions.[46]

Therefore, this study concludes that disputes between lecturers and foundations require a differentiated and contextual legal approach. Not all disputes involving lecturers can be automatically categorized as industrial relations disputes merely because employment agreements exist. Instead, the determination of the competent dispute resolution forum must be based on the substantive nature of the dispute and the legal dimensions involved. This study also confirms that the legal status of lecturers cannot be interpreted exclusively through labor law doctrine but requires a hybrid legal approach recognizing the coexistence of professional academic authority and contractual employment relations.[47] Consequently, harmonization between higher education law and labor law is necessary to provide legal certainty while simultaneously preserving the professional character and academic autonomy of lecturers within the higher education system.

Determining the Appropriate Forum for Dispute Resolution

The determination of the appropriate dispute resolution forum between lecturers and foundations cannot be conducted by relying exclusively on a single legal regime. The intersection of labor law, civil law, and higher education law creates a complex legal framework in which the relationship between lecturers and foundations contains both contractual and professional dimensions.[48] In practice, disputes involving lecturers are frequently directed to the Industrial Relations Court because the relationship is formalized through employment agreements.[49] However, such an approach tends to be overly

[45] Karsten Kohler et al., "Growth Models in Advanced Countries before and after the 2008 Crisis: Competitiveness, Financial Cycles and Austerity," *Labour Economics* 28, no. 3 (2020).

[46] David B. Audretsch et al., "Academic Freedom and Innovation: A Research Note," *SSRN Electronic Journal*, ahead of print, 2023, https://doi.org/10.2139/ssrn.4384419.

[47] Michele Meoli et al., "The Governance of Universities and the Establishment of Academic Spin-Offs," *Small Business Economics* 52, no. 2 (2019), https://doi.org/10.1007/s11187-017-9956-5.

[48] P. J. Majozi et al., "Academic Freedom, Institutional Autonomy, and Public Accountability in the Context of the Democratisation and Transformation of Education," *South African Journal of Higher Education* 39, no. 4 (2025), https://doi.org/10.20853/39-4-7533.

[49] Lee Parker, "University Corporatisation: Driving Redefinition," *Critical Perspectives on Accounting* 22, no. 4 (2011), https://doi.org/10.1016/j.cpa.2010.11.002.

formalistic and reductionist because it focuses primarily on the existence of contractual arrangements while disregarding the academic and professional character of lecturers as intellectual actors within higher-education institutions. This demonstrates that the existence of an employment agreement alone is insufficient to determine the appropriate jurisdiction for dispute resolution.[50]

The findings of this study indicate that the determination of the dispute resolution forum should be based primarily on the substance and legal character of the dispute, rather than solely on the formal structure of the legal relationship. In this context, disputes concerning salaries, allowances, termination of employment, or other normative rights arising directly from employment agreements may appropriately fall within the jurisdiction of the Industrial Relations Court because such disputes contain the essential elements of employment relationships under the Labor Law.[51] Nevertheless, disputes involving academic freedom, scientific autonomy, academic ethics, academic rank assessment, and the implementation of the tridharma of higher education possess professional and academic dimensions that cannot be adequately resolved through industrial relations mechanisms alone. Industrial relations dispute mechanisms are fundamentally designed to resolve employment-based economic conflicts, whereas disputes involving lecturers frequently require an understanding of academic standards, scholarly responsibilities and professional ethics within the higher education system.

This study further demonstrates that the source of the disputed rights constitutes an important factor in determining the appropriate forum. Rights derived primarily from employment agreements tend to fall within the labor law regime, whereas rights originating from professional obligations, academic authority, and higher education regulations are more appropriately examined through general civil mechanisms or institutional academic procedures.[52] Consequently, the determination of jurisdiction requires a contextual assessment of the dominant legal dimension within each dispute. Such an approach reflects the hybrid legal character of the relationship between lecturers

[50] Retno Kurnianingsih, "Analisis Profil Judul Penelitian Dengan Rip Lppm Ucy 2022-2027 Studi Pada Fe Ucy," Journal Competency of Business 6, no. 01 (2022), https://doi.org/10.47200/jcob.v6i01.1321.

[51] Andrea Belz et al., "The Signal of Institutional Governance in Early-Stage Financing for University Spinoffs," *Strategic Entrepreneurship Journal*, ahead of print, 2025, https://doi.org/10.1002/sej.1552.

[52] Domeniter Naomi Kathula, "Political Staff Promotions, Vice Chancellor's Leadership Style and Performance of Private Universities in Kenya," *Journal of Education* 7, no. 1 (2024), https://doi.org/10.53819/81018102t4257.

and foundations, which simultaneously combines elements of contractual employment relations and professional academic authority. Therefore, rigidly categorizing all disputes involving lecturers as industrial relations disputes risks oversimplifying the complexity of the legal relationship and potentially undermining the professional autonomy of lecturers.[53]

The legal protection objectives pursued by the parties must also be considered when determining the appropriate dispute resolution forum. Where disputes concern labor rights and economic protection, industrial relations mechanisms may provide adequate remedies. However, where disputes concern professional integrity, academic independence, scholarly evaluation, or academic reputation, forums capable of understanding the distinctive nature of academic professions become more relevant.[54] In this regard, internal university mechanisms, civil litigation before general courts, or other administrative procedures may provide more appropriate avenues for resolving disputes involving academic dimensions. This study therefore argues that no single dispute resolution mechanism can comprehensively accommodate all forms of disputes arising between lecturers and foundations.[55]

Moreover, the absence of clear regulatory boundaries regarding dispute resolution jurisdiction creates the potential for forum shopping, whereby parties choose judicial forums that are perceived to be more advantageous to their interests. Such conditions not only generate legal uncertainty but also risk producing inconsistent judicial decisions among different institutions. The inconsistency in judicial approaches further reflects the lack of harmonization between higher-education law and labor law in regulating the legal status of lecturers at private universities. Consequently, this study emphasizes the necessity of developing a more integrated and contextual legal framework that can distinguish disputes based on their substantive characteristics. Such harmonization is essential not only for ensuring legal certainty but also for maintaining the professional

[53] Muslim et al., "Analysis of the Role and Function of Foundations in Realising Private Higher Education That Is Free From Corruption, Collusion, and Nepotism towards Good University Governance," *Pena Justisia: Media Komunikasi Dan Kajian Hukum* 24, no. 1 (2025), https://doi.org/10.31941/pj.v24i1.6761.

[54] Azan Elwan, "Peran Yayasan Dalam Aras Kewenangan Untuk Mewujudkan Tata Kelola Perguruan Tinggi Swasta Yang Baik (Good University Governance)," Jurnal Administrasi Publik Dan Pemerintahan 1, no. 2 (2022), https://doi.org/10.55850/simbol.v1i2.14.

[55] W. S. Barnett and K. Jung, "Understanding and Responding to the Pandemic's Impacts on Preschool Education: What Can We Learn from Last Spring," National Institute for Early Education Research, July (2020).

character, academic autonomy, and institutional integrity of lecturers in the higher education system.

Conclusion

Based on the findings of this study, the legal status of lecturers at private universities appointed by foundations through employment agreements demonstrates the existence of a hybrid legal relationship at the intersection of higher education law and labor law. Normatively, lecturers are recognized as professionals possessing academic autonomy and scholarly freedom; however, in practice, the use of employment agreements places lecturers within a relationship resembling industrial relations. This creates legal uncertainty, particularly in determining the appropriate dispute resolution forum between lecturers and foundations. Therefore, the determination of jurisdiction cannot be conducted formally based solely on the existence of employment agreements but must instead consider the substance of the dispute, the source of the disputed rights, and the character of the underlying legal relationship. Theoretically, this study contributes to the development of education and labor law scholarship by introducing the concept of a hybrid legal relationship to understand the legal status of private university lecturers. This approach expands on previous academic debates that tend to position lecturers either merely as workers or solely as professional academics.

This study contributes to the development of education and labor law scholarship by introducing the concept of a hybrid legal relationship in understanding the legal status of private university lecturers. This approach expands previous academic debates that tend to position lecturers either merely as workers or solely as professional academics. Practically, this study recommends the harmonization of regulations concerning foundation law, higher education law, and labor law to establish more comprehensive legal certainty regarding lecturer appointments and dispute resolution mechanisms in private universities. Nevertheless, this study is limited to a normative legal analysis based on statutory regulations, legal doctrines, and relevant legal literature, and therefore does not examine the empirical experiences of lecturers, foundations, or judicial actors in resolving disputes. Future research may adopt empirical or socio-legal approaches to explore how disputes between lecturers and foundations are addressed in practice, as well as to evaluate the effectiveness of existing dispute resolution mechanisms in accommodating both employment rights and academic professional interests.

Declarations

Author Contribution Statement

AA conceived and designed the study, developed the research framework, conducted the legal analysis, and drafted the manuscript. AS contributed to the collection and examination of legal materials, interpretation of statutory regulations, and the critical revision of the manuscript. TJ contributed to the conceptual development of the study, validation of legal arguments, supervision of the research process and final review of the manuscript. All authors have read and approved the final version of this manuscript.

Declaration of Interests Statement

The authors declare that they have no known competing financial interests or personal relationships that could have influenced the work reported in this paper.

AI Usage Statement

The authors used generative AI tools solely for language refinement, grammar correction, paraphrasing, and improving the readability of this manuscript. The AI tools were not used to generate research data, conduct legal analysis, formulate arguments, or draw research conclusions. All intellectual content, legal analysis, interpretations, and conclusions presented in this article remain entirely the responsibility of the authors.

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