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The Remuneration of Non-Civil Servant Lecturers at Private Higher Education Institutions from a Labor Law Perspective: A Comparative Analysis of Indonesia and Australia's Higher Education Industry (Academic Staff) Award 2020

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Original Article

Abstract

Non-civil-service lecturers (non-ASN lecturers) at private higher education institutions in Indonesia face legal uncertainty regarding the relationship between salaries established under employment agreements and statutory minimum wages. This study examines the legal status of lecturers, the application of Australia's Higher Education Industry—Academic Staff—Award 2020, and the potential adaptation of wage-setting and workload mechanisms following the enactment of Law No. 27 of 2026 on Employment Protection. Employing a normative legal research methodology, the study adopts statutory, constitutional litigation document analysis, and functional comparative approaches. The findings indicate that statutory minimum wages are legally distinct from proposed minimum basic salary standards. Indonesian labor law protects workers within employment relationships, whereas higher education regulations have yet to establish a specific minimum basic salary for full-time lecturers at private institutions. Australia's Award combines classification-based pay rates with compensation for academic work. Accordingly, this study proposes an adapted framework comprising regionally adjusted basic salary standards, proportionate protections for part-time lecturers, recognition of all academic duties, and enforceable wage documentation requirements, without directly replicating Australian pay rates.

Keywords: *Non-ASN Lecturers, Minimum Wage, Basic Salary, Academic Workload, Comparative Law*

Abstrak

Dosen non-ASN pada perguruan tinggi swasta menghadapi ketidakpastian hubungan antara gaji pokok berdasarkan perjanjian kerja dan upah minimum. Penelitian ini menganalisis kedudukan hukum dosen, penerapan *Higher Education Industry—Academic Staff—Award 2020* Australia, serta adaptasi mekanisme pengupahan dan beban kerja pasca-Undang-Undang Nomor 27 Tahun 2026 tentang Pelindungan Ketenagakerjaan. Penelitian hukum normatif ini menggunakan pendekatan perundang-undangan, analisis dokumen persidangan konstitusional, dan perbandingan fungsional. Hasil penelitian menunjukkan bahwa upah minimum berbeda dari usulan gaji pokok minimum. Hukum ketenagakerjaan melindungi pekerja dalam hubungan kerja, sedangkan regulasi pendidikan belum menetapkan batas bawah gaji pokok khusus dosen swasta penuh waktu. Award Australia mengombinasikan tarif berdasarkan klasifikasi dan imbalan pekerjaan akademik. Model adaptasi mengusulkan standar gaji pokok regional, perlindungan proporsional dosen paruh waktu, pengakuan seluruh tugas akademik, serta pencatatan upah yang dapat ditegakkan, tanpa menyalin tarif Australia.

Kata kunci: *Dosen Non-ASN, Upah Minimum, Gaji Pokok, Beban Kerja Akademik, Perbandingan Hukum*

1. INTRODUCTION

The professional status of lecturers as educators does not negate the employment relationship underlying their academic duties. At private higher education institutions (perguruan tinggi swasta, or PTS), lecturers appointed by the organizing entity perform work, receive remuneration, and are subject to institutional work arrangements. Articles 27(2) and 28D(2) of the 1945 Constitution of the Republic of Indonesia guarantee the right to work, a decent livelihood, and fair remuneration. Under the statutory framework governing the teaching profession, Article 51(1)(a) of Law No. 14 of 2005 on Teachers and Lecturers recognizes lecturers' entitlement to an income above minimum living needs and to social welfare protection. Article 52(3), however, provides that the salaries of lecturers appointed by nongovernmental higher education providers are determined through employment contracts or collective labor agreements. The central legal issue is the relationship between this contractual discretion and mandatory statutory wage protections.[1]

This issue has acquired concrete significance through constitutional challenges to the Teachers and Lecturers Law before Indonesia's Constitutional Court (Mahkamah Konstitusi, or MK). In Case No. 272/PUU-XXIII/2025, the petitioners contest the adequacy of statutory protections for lecturers' income, whereas Case No. 24/PUU-XXIV/2026 concerns functional allowances. At the hearing on February 26, 2026, the government explained that the salary components of lecturers outside the civil service were governed by labor legislation. This position indicates that the dispute concerns not merely the applicability of labor law but also the appropriate salary benchmark and mechanisms for securing compliance. Statements by lecturers and representatives of private higher education providers published by the Court illustrate variation in income components. These statements constitute submissions or evidence presented in the proceedings; they do not, in themselves, establish facts judicially determined by the Court.[2]

Additional context is provided by the wage dashboard of the Campus Workers Union (Serikat Pekerja Kampus, or SPK), in the snapshot recorded for this study on November 19, 2026. Of the 450 responses concerning basic salary, 269 (59.8%) indicated amounts below the provincial minimum wage (upah minimum provinsi, or UMP). For total income, 206 of 462 respondents (approximately 45%) fell below that benchmark. A subsequent verification of the live dashboard on the same date displayed 270 of 451 (59.9%) and 207 of 463 (approximately 45%), respectively, illustrating the dynamic nature of the dataset. The two indicators are not interchangeable because they capture different components of income and use different denominators. The respondents include both lecturers and nonacademic

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1 Indonesia, Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, Pasal 27 ayat (2), Pasal 28D ayat (2), https://www.dpr.go.id/jdih/uu1945; Indonesia, Undang-Undang Nomor 14 Tahun 2005 tentang Guru dan Dosen, Pasal 51–52, https://peraturan.bpk.go.id/Details/40266/uu-no-14-tahun-2005.

2 Mahkamah Konstitusi Republik Indonesia, "Dosen PTS Minta Gaji Layak," 13 Januari 2026, https://www.mkri.id/berita/dosen-pts-minta-gaji-layak-24352; Mahkamah Konstitusi Republik Indonesia, "Pemerintah: Komponen Gaji Dosen Non-PNS Berpedoman pada Peraturan Perundang-undangan Bidang Ketenagakerjaan," 26 Februari 2026, https://www.mkri.id/berita/pemerintah-komponen-gaji-dosen-non-pns-berpedoman-pada-peraturan-perundang-undangan-bidang-ketenagakerjaan-24666; Mahkamah Konstitusi Republik Indonesia, "Kisah Dosen Non-ASN Mengalami Kekerasan Finansial," 30 Juni 2026, https://www.mkri.id/berita/kisah-dosen-non-asn-mengalami-kekerasan-finansial--25329; Mahkamah Konstitusi Republik Indonesia, "Tiga Rektor PTS Sampaikan Rentang Gaji dan Tunjangan Dosen," 2026, https://www.mkri.id/berita/tiga-rektor-pts-sampaikan-rentang-gaji-dan-tunjangan-dosen-25490.

education personnel; the figures therefore cannot be treated as representative estimates for all non-ASN lecturers at private institutions. Nor does a comparison with the UMP alone establish a statutory violation: the employment arrangement, applicable locality, legally relevant wage components, length of service, working hours, and any lawful exemptions must first be assessed.[3]

The legislative changes effective October 28, 2026, sharpen the significance of this issue. Law No. 27 of 2026 on Employment Protection repealed Law No. 13 of 2003 and specified employment-related provisions of Law No. 6 of 2023. The new framework retains wage protection while elaborating the components of the minimum wage, wage progression, and applications for exemptions. In the education sector, Regulation No. 52 of 2025 of the Minister of Higher Education, Science, and Technology already links the payment of lecturers' basic salaries and attached allowances to labor legislation. Accordingly, the problem cannot accurately be characterized as a complete absence of minimum-wage protection for lecturers. What remains insufficiently specified is a sector-specific basic-salary floor independent of allowances and a method for accounting for the full extent of academic working time when remuneration is calculated by assignment.[4]

Existing scholarship addresses several related dimensions of this problem. Ahmadin examines the state's responsibility for the welfare of private higher education lecturers, particularly in securing an adequate income. Using a statutory approach, Okstriana and Sulaksono investigate the legal position of permanent lecturers paid below the UMP and identify weaknesses in the implementation of wage protection. Titaley, adopting doctrinal legal research, locates the relationship between private lecturers and employing foundations within the constituent elements of employment and connects wage protection to industrial dispute resolution. Together, these studies support the proposition that professional status alone is insufficient to displace labor law. They do not, however, develop a mechanism for recognizing preparation, assessment, and other academic working time as a basis for remuneration under the newly enacted employment legislation.[5]

In comparative scholarship, Haramayn's undergraduate thesis examines worker protection in Indonesia and Australia through the lens of the gig economy rather than higher education wage standards. Sutherland analyzes the regulation of job security in Australian universities, including the role of enterprise agreements, while Smithers and colleagues examine the relationship between working time and insecure academic employment. The present study approaches these issues from a different perspective: the remuneration of academic time not fully captured by classroom contact hours and the relationship between that remuneration and legally protected wage thresholds.

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[3] Serikat Pekerja Kampus, "Statistik Upah Pekerja Kampus," dashboard, diakses 19 November 2026, https://spk.or.id/statistik.

[4] Indonesia, Undang-Undang Nomor 27 Tahun 2026 tentang Pelindungan Ketenagakerjaan, Pasal 134–150 dan 310–313, https://jdih.kemnaker.go.id/peraturan/detail/3126/undang-undang-nomor-27-tahun-2026; Indonesia, Peraturan Menteri Pendidikan Tinggi, Sains, dan Teknologi Nomor 52 Tahun 2025 tentang Profesi, Karier, dan Penghasilan Dosen, Pasal 53–54, https://peraturan.bpk.go.id/Details/343879/permendikti-saintek-no-52-tahun-2025.

[5] Ahmadin, "Peran Negara dalam Peningkatan Kesejahteraan dengan Pemberian Gaji Para Dosen pada Perguruan Tinggi Swasta," *Jurnal Pendidikan IPS* 14, no. 1 (2024): 173–182, https://doi.org/10.37630/jpi.v14i1.1580; Nur Rifa Okstriana and Sulaksono, "Tinjauan Hukum Pemberian Upah di Bawah Upah Minimum kepada Dosen Tetap Perguruan Tinggi Swasta," *Indonesian Journal of Contemporary Law* 2, no. 4 (2025), https://journal.unesa.ac.id/index.php/ijcl/article/view/44347; Paulus Titaley, "Rekonseptualisasi Perlindungan Hukum Hak Atas Upah Dosen Swasta dalam Pusaran Dualisme Rezim Kependidikan dan Ketenagakerjaan," *Jurnal Greenation Sosial dan Politik* 4, no. 2 (2026): 124–131, https://doi.org/10.38035/jgsp.v4i2.819.

Australia is therefore used to examine the functions of sectoral wage regulation, not to establish equivalence between the countries' nominal wage rates or institutional arrangements.[6]

This gap informs the article's proposed two-tier model: a basic-salary floor for full-time employment and a proportionate remuneration mechanism that recognizes the entire workload of part-time employees, supported by academic classifications and compliance mechanisms. Its original contribution lies in integrating these two forms of protection within a sector-specific wage framework. The normative foundations are distributive justice in allocating remuneration according to workload and responsibility, protection against unequal bargaining power, and legal certainty through both preventive safeguards and remedies for violations. The argument does not depend on an assumption that salary increases automatically improve educational quality. Diagne, for example, finds no statistically significant association between teacher salaries and student achievement after controlling for specified variables in cross-national OECD data; that research does not directly examine Indonesian private higher education lecturers.[7]

The study addresses three questions. First, how are the employment status and wage entitlements of private higher education lecturers outside the state civil service (Aparatur Sipil Negara, or ASN) determined by the interaction between the Teachers and Lecturers Law and labor legislation following Law No. 27 of 2026? Second, how do minimum rates, academic classifications, and recognition of associated work operate under Australia's Academic Staff Award? Third, how can these regulatory functions be adapted to a wage protection model for non-ASN lecturers that differentiates employment status and working-time arrangements? The objective is to develop a normative framework for assessing wage adequacy and designing sectoral reform without conflating proposed standards with existing legal obligations.

2. RESEARCH METHODOLOGY

This study adopts an analytical and prescriptive form of doctrinal legal research. Primary legal materials include the 1945 Constitution, the Teachers and Lecturers Law, labor legislation applicable before and after October 28, 2026, wage regulations, the Fair Work Act 2009 (Cth), and the Higher Education Industry Academic Staff Award 2020. Statutory analysis examines the vertical and horizontal relationships among these legal norms, including the operation of transitional provisions. Conceptual analysis distinguishes the employment relationship, statutory minimum wage, basic salary, and remuneration based on working time. Documentary analysis of constitutional proceedings identifies the legal issues and positions advanced by the

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[6] Ahmad Sultonul Haramayn, "Perlindungan Hukum Pekerja Gig di Indonesia dan Australia" (Skripsi, UIN Syarif Hidayatullah Jakarta, 2026), https://www.repository.uinjkt.ac.id/dspace/handle/123456789/91262; Carolyn Sutherland, "Regulating for Job Security in Australian Universities," *Griffith Law Review* 34, no. 4 (2025): 423–443, https://doi.org/10.1080/10383441.2025.2569159; Kathleen Smithers et al., "Working Every Weekend: The Paradox of Time for Insecurely Employed Academics," *Time & Society* 32, no. 1 (2023): 101–122, https://doi.org/10.1177/0961463X221144136.

[7] Djily Diagne, "Is There a Link between Teacher Salary and Educational Achievement? An Analysis in OECD Countries," *Athens Journal of Education* 11, no. 1 (2024): 37–50, https://doi.org/10.30958/aje.11-1-3.

parties. This approach is consistent with doctrinal research centered on legal rules and legal reasoning.[8]

Secondary materials include journal articles, academic books, an undergraduate thesis, and a book chapter located through publishers' websites, DOI records, and institutional repositories. Official Constitutional Court documents, the SPK dashboard, and publications by Australian regulators provide contextual evidence; they are not survey or interview data collected by the authors. Literature searches are directed by the legal issues rather than presented as a systematic review. The literature is used to map the problem, compare scholarly contributions, and develop the doctrinal argument.[9]

The unit of functional comparison is the wage protection mechanism rather than either legal system as a whole. Four functions structure the comparison: wage floors, recognition of working time, occupational classification, and enforcement. Functional comparison examines how legal institutions respond to comparable problems while accounting for their respective institutional settings. Australia is selected because its higher education sector has a specific minimum employment standards instrument that expressly defines task-based rates and associated working time.[10]

The analysis proceeds through the identification of legal materials, systematic statutory interpretation, determination of the temporal applicability of legal provisions, functional comparison, and prescriptive synthesis. Conclusions concerning existing law are distinguished from proposals for legal reform. The study uses legal materials and documents available through November 19, 2026. Its treatment of Cases Nos. 272/PUU-XXIII/2025 and 24/PUU-XXIV/2026 is limited to the hearing materials because official copies of the final judgments were unavailable to the study. The proposed model is normative and has not been empirically tested.

3. RESULTS AND DISCUSSION

3.1. Employment Status and Wage Entitlements of Non-ASN Lecturers

Determining whether a lecturer is an employee requires examining the constituent elements of an employment relationship rather than relying solely on a professional designation. When a lecturer performs work under an employer's arrangements and receives remuneration, the relationship generally satisfies the Indonesian statutory elements of work, wages, and direction (perintah). Academic autonomy in selecting teaching methods does not necessarily eliminate organizational subordination, as reflected in assignments, schedules, performance evaluations, and reporting obligations. Conversely, a lecturer's professional title does not automatically establish an employment relationship for every assignment, such as an independently delivered

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8 Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana, 2017), https://perpustakaan.hukumunkris.id/index.php?id=21&p=show_detail.

9 Hannah Snyder, "Literature Review as a Research Methodology: An Overview and Guidelines," *Journal of Business Research* 104 (2019): 333–339, https://doi.org/10.1016/j.jbusres.2019.07.039.

10 Ralf Michaels, "The Functional Method of Comparative Law," in *The Oxford Handbook of Comparative Law*, ed. Mathias Reimann and Reinhard Zimmermann, 2nd ed. (Oxford: Oxford University Press, 2019), 345–389, https://academic.oup.com/edited-volume/28168/chapter-abstract/213021035.

guest lecture. The legal classification depends on the substance of the contractual arrangement and its actual performance.[11]

The distinction between an employment relationship and the regulation of its terms is also central to comparative labor-law scholarship. Adams and colleagues examine these as related but separate legal questions in the British context. This distinction is useful analytically here without importing British employment-status tests into Indonesian law.[12]

A private higher education provider that employs lecturers is not excluded from labor regulation solely because it operates on a nonprofit basis. The statutory definition of an enterprise extends to social undertakings or organizations that have management and employ persons in return for wages or other remuneration. Satisfaction of the elements of employment can therefore give rise to mandatory wage obligations and other statutory entitlements even when the provider is organized as a foundation. Nevertheless, identifying the legally responsible employer requires examining the contract, appointment authority, and source of payment, particularly when different institutional bodies perform administrative functions.[13]

The Teachers and Lecturers Law regulates income as a professional entitlement. Article 52(1) distinguishes basic salary, allowances attached to salary, and various other allowances or benefits. Article 52(3) leaves the salaries of lecturers appointed by nongovernmental higher education providers to employment contracts or collective labor agreements. Although the provision permits negotiation, it does not expressly displace general labor standards. The principle of lex specialis derogat legi generali warrants displacement only where a specific rule prescribes a genuinely different standard for the same subject matter. Professional regulation and wage protection can apply cumulatively when they serve distinct functions.[14]

Regulation No. 52 of 2025 reinforces this interpretation by referring the payment of lecturers' basic salaries and allowances attached to salary to labor legislation. The provision undercuts an interpretation that contractual discretion is entirely free from statutory constraints. However, that reference is not equivalent to an independent rule requiring every full-time lecturer's basic salary to equal the provincial or regency/city minimum wage (upah minimum kabupaten/kota, or UMK), without counting fixed allowances. The distinction between these propositions defines the article's proposed direction of legal reform.[15]

Before October 28, 2026, Article 88E(2) of the Manpower Law, as amended under the Job Creation framework, prohibited payment below the minimum wage, while Article 88A(4) and (5) restricted wage agreements. Articles 89, 90, and 91 of Law No. 13 of 2003 could no longer be cited as operative provisions that remained intact after those amendments. The earlier framework is relevant to understanding the constitutional petition filed in 2025 and the subsequent proceedings in 2026, but it

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11 UU 27/2026, Pasal 1; Zaeni Asyhadie and Rahmawati Kusuma, *Hukum Ketenagakerjaan dalam Teori dan Praktik di Indonesia* (Jakarta: Prenadamedia Group, 2019), https://kios-perpustakaan.jakarta.go.id/catalogue/detail/102644; Titaley, "Rekonseptualisasi".

12 Zoe Adams, Catherine Barnard, Simon Deakin, and Sarah Fraser Butlin, *Deakin and Morris' Labour Law*, 7th ed. (Oxford: Hart Publishing, 2021), https://www.bloomsbury.com/uk/deakin-and-morris-labour-law-9781509943548/.

13 UU 27/2026, Pasal 1.

14 UU 14/2005, Pasal 51–54; Permendiktisaintek 52/2025, Pasal 54.

15 Permendiktisaintek 52/2025, Pasal 53–54.

cannot serve as the sole statement of current law following the enactment of Law No. 27 of 2026.[16]

Under the current framework, Articles 134 and 135 of Law No. 27 of 2026 establish the right to a decent income and restrict contractual wage arrangements from departing from applicable statutory standards. Article 137 specifies the categories of minimum wages, and Article 140(1) applies the minimum wage to workers with less than one year of service. For workers with at least one year of service, the wage structure and scale under Article 146 provide the principal mechanism for determining earnings. Longer service cannot therefore justify the removal of wage protection; wage structures serve to recognize experience, competence, position, and responsibility.[17]

It is essential to distinguish basic salary from the statutory minimum wage. Under Article 140(2) of Law No. 27 of 2026, the minimum-wage benchmark may be satisfied through wages without allowances or through the combination of basic wages and fixed allowances. Where remuneration consists of basic wages and variable allowances, Article 140(3) requires the basic wage itself to be at least the minimum wage. The basic-wage proportion prescribed in Article 150 is also relevant when basic wages and fixed allowances are combined. A basic salary below the UMP does not therefore invariably establish a minimum-wage violation; the legally permissible composition of remuneration must be examined. Conversely, variable allowances and conditional payments cannot substitute for mandatory wage components.[18]

Law No. 27 of 2026 also establishes a procedure for applying to the governor for a minimum-wage exemption, subject to specified conditions, including a bipartite agreement and an external audit. An exemption is not automatically available to an education provider that asserts an inability to pay. The special rules for micro and small enterprises under Article 144 similarly depend on the satisfaction of statutory criteria, not merely on low student enrollment or limited foundation revenue. A sectoral protection model must therefore account for lawful exemption procedures and institutional capacity without treating financial difficulty as a general justification for substandard pay.[19]

The distinction between permanent and nonpermanent lecturers must be separated from the distinctions between fixed-term and indefinite-term employment contracts and between full-time and part-time work. Professional classification alone establishes neither the contractual category nor the volume of working time. Nonpermanent lecturers may undertake recurring assignments of substantial volume, whereas part-time classification requires examination of both agreed and actual working hours. Government Regulation No. 36 of 2021 on Wages provides for hourly remuneration for part-time employees, including a formula for converting monthly wages into hourly rates. That regulation, as amended by Government Regulations Nos. 51 of 2023 and 49 of 2025, must be read in light of Article 310 of Law No. 27 of 2026 to the extent that it remains consistent with the new statute.

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16 Indonesia, Undang-Undang Nomor 13 Tahun 2003 tentang Ketenagakerjaan, https://peraturan.bpk.go.id/Details/43013; Indonesia, Undang-Undang Nomor 6 Tahun 2023 tentang Penetapan Perppu Nomor 2 Tahun 2022 tentang Cipta Kerja Menjadi Undang-Undang, Lampiran Pasal 81, https://peraturan.bpk.go.id/Details/246523/uu-no-6-tahun-2023; UU 27/2026, Pasal 311–313.

17 UU 27/2026, Pasal 134–146.

18 UU 27/2026, Pasal 140 dan 150.

19 UU 27/2026, Pasal 140 ayat (5)–(8) dan Pasal 144.

Hourly remuneration does not provide a basis for reducing a full-time employee's entitlements to fees for classroom contact hours.[20]

In implementing the three statutory missions of higher education (Tridharma: teaching, research, and community service), Article 72 of the Teachers and Lecturers Law specifies a workload of 12–16 semester credit units (satuan kredit semester, or SKS), comprising academic activities beyond classroom instruction. Academic credit units are not identical to remunerable hours under an employment contract. A workload multiplier cannot therefore be derived mechanically from the number of credits without examining the activities inherent in each assignment. The concerns about inadequate wage protection identified by Ahmadin and by Okstriana and Sulaksono thus acquire an additional dimension: the distinction between the amount paid and the scope of working time covered by that payment.[21]

Enforcement requires distinguishing violations of statutory minimum-wage standards, shortfalls in contractually agreed wages, and disputes over the interpretation of wage components. Article 288 of Law No. 27 of 2026 attaches criminal penalties to violations of the prohibition in Article 140(5) against payment below the minimum wage. Article 287 governs violations of payment obligations under the provisions to which it refers. Criminal liability cannot be inferred from basic-salary figures or non-ASN status alone. The elements of the offense, responsible legal subject, applicable exemptions, timing of the conduct, and transitional provisions must all be examined. Labor inspection, restoration of entitlements, bipartite negotiations, and industrial dispute resolution serve functions distinct from criminal sanctions.[22]

The analysis establishes that the principal issue is not the displacement of labor protection by professional regulation, but the incomplete integration of a separate basic-salary benchmark, recognition of academic work, and mechanisms for securing entitlements within sectoral regulation. The arguments presented in the constitutional proceedings illuminate the relationship between professional regulation and labor protection. The proposed reconstruction of wage standards therefore begins with an interpretation of the law currently in force.

3.2. Academic Wage Protection Mechanisms in Australia

The Higher Education Industry Academic Staff Award 2020 [MA000006] is a sector-specific employment standards instrument within Australia's industrial relations system. It defines academic classifications, minimum rates, and specified conditions for casual academics. Its application must nevertheless be determined by examining its coverage and relationship with any applicable enterprise agreement. The Fair Work Act 2009 distinguishes breaches of modern awards, the operation of awards when enterprise agreements apply, and safeguards for minimum base rates of pay. The

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[20] Indonesia, Peraturan Pemerintah Nomor 36 Tahun 2021 tentang Pengupahan, Pasal 16, https://jdih.kemnaker.go.id/peraturan/detail/1724/peraturan-pemerintah-nomor-36-tahun-2021; Indonesia, Peraturan Pemerintah Nomor 51 Tahun 2023 tentang Perubahan atas PP 36/2021 tentang Pengupahan, https://jdih.kemnaker.go.id/peraturan/detail/2406/peraturan-pemerintah-nomor-51-tahun-2023; Indonesia, Peraturan Pemerintah Nomor 49 Tahun 2025 tentang Perubahan Kedua atas PP 36/2021 tentang Pengupahan, https://jdih.kemnaker.go.id/peraturan/detail/2802/peraturan-pemerintah-nomor-49-tahun-2025; UU 27/2026, Pasal 310.

[21] UU 14/2005, Pasal 72; Ahmadin, "Peran Negara"; Okstriana and Sulaksono, "Tinjauan Hukum".

[22] UU 27/2026, Pasal 287–288, 300, 302–304.

Award therefore functions as a minimum benchmark within the broader industrial relations framework rather than as the sole instrument governing every Australian academic.[23]

Academic classifications from Level A through Level E connect occupational responsibilities and qualifications to minimum rates. For noncasual employees, rates are determined by the applicable classification and salary step; part-time remuneration is calculated proportionately under the relevant provisions. The examples in Table 1, drawn from the consolidated rates effective July 1, 2026, illustrate the structure of classification-based minimum pay rather than actual salaries at individual universities.[24]

Table 1. *Selected Minimum Salary Rates for Noncasual Academics*

Classification / salary step	Minimum annual salary (full-time, AUD)
A, step 1	68,991
A, step 6	81,432
B, step 1	89,382
C, step 1	104,940
D, step 1	122,225
E	151,614

Source: Academic Staff Award 2020, cl. 16.1, rates effective July 1, 2026.

For casual academics, the Award recognizes that lecture delivery is inseparable from associated activities. Clause 16.4 establishes remuneration by type of academic assignment. A basic lecture comprises one hour of delivery and two hours of associated working time; a developed lecture includes one delivery hour and three associated hours; and a specialized lecture (termed "Specialised lecture" in the Award) includes one delivery hour and four associated hours. Repeat lectures and tutorials have distinct arrangements. These task-based rates already incorporate the relevant work and casual loading; treating the bundled amount as an ordinary hourly base rate and multiplying it again by the associated hours would therefore be incorrect.[25]

Table 2. *Selected Task-Based Rates for Casual Academics*

Casual academic assignment	Delivery + associated time	Bundled rate (AUD)
Basic lecture	1 + 2 = 3 hours	173.99
Developed lecture	1 + 3 = 4 hours	232.03
Specialised lecture	1 + 4 = 5 hours	290.01
Repeat lecture	1 + 1 = 2 hours	115.97
Tutorial (standard rate)	1 + 2 = 3 hours	135.76
Repeat tutorial (standard rate)	1 + 1 = 2 hours	90.48

[23] Australia, Fair Work Act 2009 (Cth), ss. 45, 57, 206, https://www.legislation.gov.au/C2009A00028/latest; Fair Work Commission, Higher Education Industry—Academic Staff—Award 2020 [MA000006], konsolidasi tarif 1 Juli 2026, cl. 4, https://awards.fairwork.gov.au/MA000006.html.

[24] Academic Staff Award 2020, cl. 16.1 dan Schedule A.

[25] Academic Staff Award 2020, cl. 16.4.

Source: Academic Staff Award 2020, cl. 16.4, rates effective July 1, 2026.

Recognition of associated working time does not mean that the entire workload of noncasual academics is calculated using those ratios. The Award also provides for minimum engagement periods for casual employees. Separately assigned assessment or other academic duties are remunerated at the applicable rates. The function of these provisions is to prevent work that forms an integral part of an academic assignment from being treated as unpaid time. Implementation depends on the classification of tasks and the interaction with other employment arrangements, including enterprise agreements.[26]

The literature indicates that formal recognition of working time has not eliminated discrepancies between scheduled time and the time actually required to complete academic tasks. Smithers and colleagues document the uneven experience of working time among academics in insecure employment. Croucher and Bare demonstrate the importance of distinguishing the types of contributions made by casual employees to university activities rather than simply counting the number of individuals employed. Willis and Smith connect peripheral status within the academy to experiences of limited institutional inclusion and insufficient recognition of work. These findings reinforce the rationale for distinguishing lecture delivery from associated duties that form a substantive part of an assignment.[27]

Academic precarity extends beyond wage rates. Spina and colleagues examine insecure academic careers from a life-course perspective, while Khosa and colleagues investigate factors that support or undermine the motivation and well-being of casual academics. Sutherland identifies the role and limitations of industrial relations mechanisms in regulating job security in universities. These studies demonstrate why wage protection cannot be equated with continuity of employment: a wage schedule may recognize associated work while recurring short-term contracts and uncertain hours continue to generate insecurity.[28]

Woelert, Croucher, and Hoang further situate the expansion of casual academic employment within institutional forces that legitimize contingent work. Their analysis helps explain why a wage-rate mechanism addresses only one dimension of employment insecurity and supports the distinction between wage entitlements and the continuity of academic employment.[29]

Enforcement also determines whether written standards translate into actual remuneration. The Fair Work Commission develops and adjusts industrial relations instruments, whereas the Fair Work Ombudsman performs compliance and

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26 Academic Staff Award 2020, cl. 12.2 dan 16.4; Fair Work Act 2009, s. 57.

27 Smithers et al., "Working Every Weekend"; Gwilym Croucher and Liz Bare, "Where Has the 'Precariat' Done the Heavy Academic Lifting? Examining Detailed Data on Academic Casual Employment in Australian Universities," *Journal of Higher Education Policy and Management* (2026), advance online publication, https://doi.org/10.1080/1360080X.2026.2714555; Jacqueline Willis and Erika K. Smith, "'I Go in... I Teach and I Go Home. I May as Well Be Any Other Person. It Would Not Make Any Difference': Experiences from the Periphery of the Academy," *The Australian Educational Researcher* 53 (2026), article 53, https://doi.org/10.1007/s13384-026-00977-y.

28 Nerida Spina et al., "Back to Zero? Precarious Employment in Academia amongst 'Older' Early Career Researchers, a Life-Course Approach," *British Journal of Sociology of Education* 43, no. 4 (2022): 534–549, https://doi.org/10.1080/01425692.2022.2057925; Amrinder Khosa et al., "Casual Academics' Motivation and Well-Being: Evidence from Australia," *Accounting Education* 34, no. 4 (2025): 613–647, https://doi.org/10.1080/09639284.2024.2357360; Sutherland, "Regulating for Job Security".

29 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 (2026): 23–38, https://doi.org/10.1007/s10734-025-01405-3.

enforcement functions. Courts may issue remedial orders for contraventions under the Fair Work Act. The Ombudsman's December 2024 announcement concerning the University of Melbourne reported an underpayment remediation program of approximately AUD 54 million covering more than 25,000 workers. Its December 2025 announcement concerning Monash University likewise illustrates remediation obligations and compliance measures. Neither case establishes that every underpayment resulted from a breach of the Academic Staff Award; enterprise instruments, employee classifications, and the nature of the contraventions may differ. The functional lesson concerns the value of payroll audits, recalculation, and measurable remedies.[30]

The Australian instrument thus provides explicit mechanisms for determining minimum rates according to academic classification and task type while recognizing work that is not visible in classroom contact hours. Evidence of noncompliance demonstrates the limitations of these mechanisms. The relevant lesson for Indonesia is not that Australian regulation has resolved academic precarity, but that measurable minimum standards, differentiated tasks, wage records, and remedies for underpayment can operate as complementary elements of wage protection.

3.3. A Model for Reconstructing Basic-Salary and Workload Protection

Functional comparison reveals that Indonesia already has a regional minimum-wage system, whereas Australia provides sectoral minimum rates differentiated by academic classification and assignment. Both protect wages, but through different regulatory mechanisms. Directly adopting Australian dollar amounts would disregard differences in living costs, higher education funding, and collective bargaining systems. A more appropriate adaptation concerns the regulatory function: establishing an assessable wage floor and accounting for the entirety of the work performed when calculating remuneration.[31]

Table 3. *Functional Comparison and Proposed Adaptation*

[30] Fair Work Act 2009, s. 545; Fair Work Ombudsman, rilis enforceable undertaking University of Melbourne, 9 Desember 2024, https://www.fairwork.gov.au/newsroom/media-releases/2024-media-releases/december-2024/20241209-uni-of-melbourne-eu-media-release; Fair Work Ombudsman, rilis enforceable undertaking Monash University, 9 Desember 2025, https://www.fairwork.gov.au/newsroom/media-releases/2025-media-releases/december-2025/20251209-monash-university-enforceable-undertaking-media-release.

[31] Michaels, "Functional Method"; Academic Staff Award 2020, cl. 16.

Function	Indonesia (existing law)	Australia (Award)	Proposed adaptation
Wage floor	Minimum wage; components under Law No. 27 of 2026	Minimum rates by classification and task	Full-time basic-salary floor; proportionate part-time rate
Working time	Working time / fees; SKS as academic credit units	Bundled rates incorporating associated time	Task mapping and activity-specific multipliers
Career progression	Wage structures and scales; academic rank	Levels A–E	Integration of academic classifications and wage structures
Compliance	Inspection, dispute resolution, and sanctions subject to statutory elements	Ombudsman, courts, enterprise instruments	Recordkeeping, audits, remedies, and interagency coordination

The first tier of the model establishes a basic-salary floor for full-time lecturers. Under the proposed rule, basic salary would be at least equal to the applicable minimum wage in the locality where the lecturer works, taking into account any applicable regency/city or sectoral minimum wage. Certification-dependent professional allowances, performance-based incentives, and fees for additional assignments would fall outside the proposed floor. This form of sectoral protection would exceed certain general wage standards that permit basic wages and fixed allowances to be aggregated. It is therefore a proposal for future law (ius constituendum), rather than an interpretation that Law No. 27 of 2026 already requires every lecturer's basic salary to equal the UMP.[32]

Selecting basic salary as the specific object of protection offers two normative advantages. First, baseline earnings become ascertainable without depending on eligibility for particular allowances. Second, differences in competence, position, and length of service can be accommodated through a wage structure and scale above the floor rather than through substitution of uncertain components. Such a rule would nevertheless require a clear statutory basis and harmonization with Article 140 of Law No. 27 of 2026, including lawful exemptions. A ministerial regulation cannot override exemptions established by statute without adequate delegated authority.[33]

The second tier of the model addresses part-time employment by accounting for the total working time that can be documented and justified. Academic tasks are differentiated into preparation, delivery, feedback, assessment, supervision, and research, community service, or administrative activities actually required by the employer. Multipliers provide transparent standard allowances for associated working time when tasks follow reasonably consistent patterns; distinct activities are calculated separately. Establishing local multipliers requires working-time studies and negotiation rather than simply copying Australian ratios or assuming that every academic credit corresponds to one hour of classroom delivery.

Conceptually, remunerable time may be expressed as $H = \Sigma(d_j \times m_j) + h$, where H is the total recognized working time in a given period, d_j denotes delivery hours for task category j, m_j is the multiplier incorporating both delivery and associated work,

[32] UU 27/2026, Pasal 137, 140 dan 142; UU 14/2005, Pasal 52–53.
[33] UU 27/2026, Pasal 140 dan 146.

and h represents hours for other tasks not already included. If r denotes the lawful base hourly rate, the model's minimum remuneration is $W \geq H \times r$. The equation is a conceptual formulation of the proposed wage reform. The value of r follows the applicable hourly wage mechanism for part-time employees, subject to regulatory changes. Bundled rates that already incorporate associated work must not be multiplied a second time.[34]

As a hypothetical illustration, two hours of basic lectures with a multiplier of three, one hour of a repeat lecture with a multiplier of two, and one hour of separately assigned assessment outside those bundles produce nine recognized working hours ($2 \times 3 + 1 \times 2 + 1$). The example demonstrates the operation of the multiplier and the importance of avoiding double counting; the appropriate values for Indonesia require separate investigation. If actual associated work exceeds the assumed standard, recording and adjustment mechanisms are necessary to prevent the multiplier from becoming a ceiling on remunerable time.

Institutions cannot arbitrarily choose between the two tiers. For full-time lecturers, multipliers primarily assist in planning and evaluating workload allocation rather than replacing monthly salaries. Entitlements arising from additional work remain subject to the applicable legal rules. For part-time lecturers, recognition of total working time determines proportionate basic remuneration. If records demonstrate a workload that is substantively full-time, the contractual classification and accompanying entitlements must be reassessed under the applicable law. Recurring assignments do not independently prove a violation, but they are relevant indicators when examining the appropriateness of employment status.

Academic classification provides a bridge between minimum protection and career progression. Law No. 27 of 2026 incorporates wage structures and scales into the remuneration framework for employees with longer service. At private higher education institutions, these structures may be linked to qualifications, competence, responsibilities under the Tridharma, academic rank, experience, and institutional capacity, subject to legally permissible factors. Classification must not be used to lower the baseline protection. The model thus combines uniform minimum safeguards with differentiation of remuneration according to objectively assessable responsibilities.[35]

Reconstruction also requires auditable evidence. Employment contracts and assignment records should identify the employer, employment status, working-time proportion, duties included in the remuneration, fixed and variable income components, and adjustment procedures. Wage records must be traceable to actual payments. Education-sector oversight can assess consistency between academic assignments and lecturers' professional status; labor inspection can assess compliance with wage standards and other employment rights. Coordination between the two authorities can prevent the transfer of responsibility between institutions while respecting the allocation of functions and transitional inspection arrangements under Law No. 27 of 2026.[36]

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[34] PP 36/2021, Pasal 16; Academic Staff Award 2020, cl. 16.4.
[35] UU 27/2026, Pasal 146–147; Academic Staff Award 2020, Schedule A.
[36] UU 27/2026, Pasal 302–303; FWO, rilis University of Melbourne; FWO, rilis Monash University.

The financial capacity of private higher education institutions is relevant to implementation, but it does not extinguish statutory obligations. Targeted fiscal assistance and phased implementation for eligible institutions may complement reform; neither justifies unilateral exemptions from applicable standards. At the legislative level, a proposed amendment to Article 52 of the Teachers and Lecturers Law could establish a sectoral basic-salary guarantee for full-time lecturers and mandate proportionate remuneration for part-time lecturers, expressly addressing the relationship with exemptions and wage structures under Law No. 27 of 2026. The design of multipliers, reporting requirements, and oversight mechanisms concerns implementation and requires appropriate delegated authority and feasibility assessment.[37]

The contribution of the model lies in distinguishing three stages of legal assessment: establishing the existence of an employment relationship, determining the applicable wage floor and permissible components, and evaluating the scope of remunerable working time. The first stage guards against avoidance of employment protection through professional labels; the second distinguishes breaches of existing law from the need for stronger sectoral standards; and the third prevents the reduction of academic work to classroom contact hours alone. The model complements scholarship on regulatory harmonization and lecturer welfare with a framework capable of operational assessment. Empirical evaluation of effectiveness, calibration of multipliers, cost-impact analysis, and transitional design remain subjects for further research.[38]

4. CONCLUSION

Non-ASN lecturers at private higher education institutions whose relationships satisfy the statutory elements of work, wages, and direction generally fall within the scope of labor protection. Article 52(3) of the Teachers and Lecturers Law permits contractual arrangements that must be read together with applicable wage legislation, including Law No. 27 of 2026 and the explicit reference to labor legislation in Ministerial Regulation No. 52 of 2025. Existing law distinguishes minimum-wage components from wage structures. A basic salary below the UMP does not necessarily establish a violation without examining the relevant components and employment conditions. The remaining sectoral issue concerns a separate basic-salary floor and recognition of the entirety of academic working time.

The Australian Academic Staff Award integrates academic classifications and minimum rates with recognition of associated working time for casual employees. Bundled task rates avoid reducing academic work to delivery hours alone. However, the operation of enterprise agreements, insecure employment, and documented underpayment demonstrate that wage schedules require effective enforcement and adequate recordkeeping.

The proposed model combines a regional basic-salary floor for full-time lecturers with proportionate remuneration for the full working time of part-time lecturers, supported by classification-based wage structures, wage records and

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[37] Ahmadin, "Peran Negara"; UU 27/2026, Pasal 140 dan 146.

[38] Okstriana and Sulaksono, "Tinjauan Hukum"; Titaley, "Rekonseptualisasi"; Smithers et al., "Working Every Weekend".

adjustments, and coordinated oversight. It represents a proposed legal reform that is more specific than general wage standards, rather than a direct transplantation of Australian wage rates or employment categories. Its normative contribution is an integrated framework for assessing the employment relationship, wage components, and the scope of remunerable working time

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