

**RECONSTRUCTING THE STATUS OF CONSTITUTIONAL
COURT RESEARCHERS**

***MEREKONSTRUKSI STATUS PENELITI MAHKAMAH
KONSTITUSIONAL***

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Volume 5, Number 1, March 2026

Received: January 4, 2026 Accepted: January 8, 2026 Online Published: March 25, 2026

ABSTRACT

Researchers at state institutions were forced to leave their positions, including those at the Constitutional Court. Researchers then lose the opportunity to hold the title of research professor. These researchers were also given a new duty, which was to help courts and give Constitutional Justices substantial support. The predicate "assistance" in this rule, which receives no detailed explanation, leads to multiple interpretations and affects the productivity of assistants to expert constitutional judges. Based on this, it is interesting to discuss how the status quo regulates career paths and academic freedom of Constitutional Court researchers in personnel law and how the ideal concept of setting career paths and academic freedom for researchers at the Constitutional Court. This study uses a normative research method, in which its results implicitly suggest a return to the previous rules. The researcher also suggests that the positions of assistant judge and researcher be strictly separated and that opportunities be provided for researchers to hold the title of academic professor. Researchers think BRIN should merge research institutions with the same form and function.

Keywords : Civil Apparatus, Judges Assistant, Constitutional Court.

ABSTRAK

Para peneliti di lembaga-lembaga negara dipaksa untuk meninggalkan posisi mereka, termasuk mereka yang berada di Mahkamah Konstitusi. Para peneliti kemudian kehilangan kesempatan untuk menyandang gelar profesor riset. Selain itu, para peneliti ini kemudian diberi tanggung jawab baru, yaitu membantu hakim serta memberikan dukungan substantif kepada Hakim Konstitusi. Predikat "bantuan" dalam aturan ini, yang tidak mendapat penjelasan rinci, menyebabkan berbagai interpretasi dan memengaruhi produktivitas asisten hakim ahli konstitusi. Berdasarkan hal ini, menarik untuk membahas bagaimana status quo mengatur jalur karier dan kebebasan akademik para peneliti Mahkamah Konstitusi dalam bidang hukum personalia dan bagaimana konsep ideal dalam menetapkan jalur karier dan kebebasan akademik bagi para peneliti di Mahkamah Konstitusi. Studi ini menggunakan metode penelitian normatif, yang hasilnya secara implisit menyarankan untuk kembali ke aturan sebelumnya. Peneliti juga menyarankan agar posisi asisten hakim dan peneliti dipisahkan secara ketat dan agar diberikan kesempatan bagi para peneliti untuk menyandang gelar profesor akademik. Peneliti berpendapat bahwa BRIN harus menggabungkan lembaga-lembaga penelitian dengan bentuk dan fungsi yang sama.

Kata Kunci : Aparatur Sipil Negara, Asisten Hakim, Mahkamah Konstitusi.

I. INTRODUCTION

Academic culture, or the cohesiveness of academic life and activities, is internalized, understood, and practiced by members of the academic community in research and higher education institutions. Academic freedom is a right shared by all members of the academic community. Everyone in the community has the right to academic independence. According to Article 17 paragraph (1) of Government Regulation Number 30 of 1990 concerning Higher Education, academic freedom is the right of members of the academic community to engage in academic activities related to education and the advancement of science and technology. Accordingly, academic freedom refers to the independence of academics who have been given responsibilities.¹

Article 28E paragraph (3) of the 1945 Constitution of the Republic of Indonesia explicitly provides protection for freedom of opinion, which should be the basis for the assurance of the rights of thought and conveying the results of their thoughts. Citizens have the right to be involved in expressing

¹ Amarru Muftie Holish, "Keberpihakan Sistem Peradilan Dalam Upaya Perlindungan Kebebasan Akademis Kampus Dalam Berkumpul Dan Berserikat (Studi Analisis Putusan Nomor 23 /Pid.Sus/2015/Pn Kln)," *The Digest: Journal of Jurisprudence and Legisprudence* 1, no. 1 (2020).