

# Right to Education: Revisiting Access for Students with Disabilities to Higher Education in Indonesia

*by* Ied Veda Sitepu, Lisa G. Kailola, Dikky Antonius

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**Submission date:** 23-Aug-2022 02:24PM (UTC+0700)

**Submission ID:** 1885855428

**File name:** RighttoEducationRevisitingAccessforStudents.pdf (2.4M)

**Word count:** 8583

**Character count:** 48545

# **Human Rights in Asia – selected issues**

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Toruń 2020

ISBN 978-83--8180-508-7

The 7<sup>th</sup> International Asian Congress "Building the Future of the State: Tradition, Reality, Progress" - a task co-financed under contract no. DNK/SP/466246/2020 from the Ministry of Science and Education funds allocated to the dissemination of science

Sales Department: tel. +48 56 664 22 35, [marketing@marszalek.com.pl](mailto:marketing@marszalek.com.pl)

**Adam Marszałek Publishing House**, ul. Lubicka 44, 87–100 Toruń  
tel. + 48 56 664 22 35, e-mail: [info@marszalek.com.pl](mailto:info@marszalek.com.pl), [www.marszalek.com.pl](http://www.marszalek.com.pl)

**Printing House**, ul. Warszawska 54, 87–148 Łysomice, tel. +48 56 678 34 78

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## Preface

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There is no doubt that human rights are universal and inherent to every human being regardless of colour, religion, opinion, wealth, origin, gender or sexual orientation. Nevertheless, many countries still refuse to recognise this fact and commit serious abuses of human rights. Yet the tragic experience of the Second World War proved that there is a direct link between respect for human rights and the maintenance of peace between states. Leaving human rights issues to internal competences of individual states was not a sufficient guarantee of their implementation. It therefore became necessary to create international, universal systems for the protection of human rights, namely, international law standards, effective mechanisms for their implementation and bodies. These arguments gave rise to such organisations as the United Nations, the Council of Europe, the Organisation for Security and Cooperation in Europe, the Organisation of American States, the African Union and the League of Arab States. Unfortunately, it has not yet been possible to establish a regional system for the protection of human rights in Asia. ASEAN, a political and economic organisation, has in recent years addressed the issue of human rights, nevertheless it can hardly be considered an effective defender of human rights. Apart from adopting several documents on human rights, it has not created any control mechanisms for respecting human rights. Human rights in Asia do not actually have a long tradition. They only took shape sometime in

the 20<sup>th</sup> century. Human rights in Asia have not often been the subject of political debate, as they are often regarded as a product of Western civilization, not very compatible with Asian culture. Thus, the problem of respect for human rights in Asia has been of interest to international human rights organisations for years.

The book entitled “Selected human rights issues in Asia”, is the fruit of collaboration distinguished scholars and practitioners of human rights from Indonesia, Italy, Japan, Syria/ the United Kingdom and Poland who present various issues concerning respect for human rights in selected Asian countries. This publication is primarily addressed to scholars and professionals dealing not only with issues related to human rights protection, but also international security, international relations and those interested in the problems of Asian countries.

Sri Lestari Wahyuningroem addresses the important issue of democratic transition, explaining transitional justice in Indonesia. The fall of 32 years of authoritarian regime in Indonesia led by General Suharto, marked the beginning of a transition from an authoritarian regime to democracy, and made it possible for transitional justice agenda to be adopted by the state. In general, the adoption of these transitional justice measures was positive in terms of the promotion of state accountability and human rights protection. However, the implementation was deeply unsatisfactory and totally failed in fulfilling the objectives for truth and justice. Explaining such poor outcomes of transitional justice and human rights as resulting from the lack of the state’s political willingness is unsatisfactory because it assumes the state is monolithic, ignoring the fact that during the transition and in the period of what most scholars referred to as con-



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solidation, state institutions and agents are willing to adopt transitional justice measures with different motivations and interests. Her paper departs from this doubt. She seeks to explain further and understand transitional justice as unfinished agenda in Indonesia's democracy by linking it with the nature of democratic transition that took place in the country since 1998.

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Imelda Masni Juniaty Sianipar and Arthuur Jeverson Maya discuss the relationship between populism and human rights, which is perceived as a contradiction. They analyse it on the example of Philippines. The emergence of a populist leader, Rodrigo Duterte, devastated the human rights situation in the Philippines. Since being elected president in 2016, Duterte has committed a number of human rights violations, including the murder of drug dealers and addicts, media blocking, and attacking human rights defenders and so many others. The authors admit that public trust in leadership, the discursive construction of national threats, the lack of internal and external threats, and economic stability contribute to human rights abuses in the country.

Ade M Wirasenjaya tries to explain the revival of a developmental state's idea in development policies in Indonesia during the Joko Widodo era. The idea of a developmental state is a development paradigm carried out by the Suharto regime during the New Order era. As the author claims - during the new Order Era, the developmental state gave birth to an authoritative regime supported by military power. Meanwhile, during the Joko Widodo era, the developmental state grows together with the civilian regime with an oligarchic character. Both of these developmentalism eras bring significant implications for the emergence of human rights violations.



Gabriela Morawska-Stanecka provides data on human rights and women rights violation in Pakistan, Indonesia and Iran. She concentrates on issues such as reproductive rights and gender equality, but also other aspects such as minority rights, where women and children from minorities suffer disproportionately more. She concludes, that more efforts should be put in working with local women rights advocates and that the problems raised by women are neither gender nor region restricted. They are global and that's the reason why general public and decision makers should look closely at Asia and the women struggle there gives researchers and politicians a perspective needed to truly understand the challenges faced by women everywhere.

Ghias Aljundi talks about the situation in Syria in the tenth anniversary of the Syrian revolution/war. After the period of oppression, fighting and bombardment, existence in Syria as it was before 2011 has disappeared. The vast majority of the infrastructure has been destroyed or is dysfunctional. In the author's opinion the country is on its knees, the oppressive regime continues with its repressive policies while at least four armies are intervening in the country. The economic situation is dire and Syrians find it extremely difficult to survive and to secure the minimum standard of living. Corruption has reached uncontrollable levels and those who criticise corruption, even among the regime's supporters, face detention and torture. Freedom of expression and media are also dire. Detention of activists and journalists continues without any legal basis. It does not seem to be that case that the situation in Syria will be changes. Assad is planning to re-run in the June 2021 so-called elections for another term in office.

Renata Gałaj talks about practical implementation of human rights on the example of Japan. The author claims

that Japan lacks legislation prohibiting racial, ethnic, and religious discrimination as well as on the grounds of sexual orientation or gender identity. It also concerns people with disabilities. The government is also accused of discriminating against and acting to the detriment of the victims of the tsunami and the explosion of the Fukushima nuclear power plant, as well as those subjected to forced sterilization under the eugenic protection act in 1948–1996.

Anna Adamus Matuszyńska analyses the relationship between human rights and third-gender acceptance in Asia. Sex and gender there are two terms, which have particular significance in the contemporary world, rising attention as well as anger depending on who is concerned. Biological and cultural gender have been the subject of numerous studies and research for years. From the point of view of human rights, the most important thing is gender identity or the feeling of gender identity. That issue is essential due to individual and social identity, but at the same time difficult to describe (depending on the readiness of the respondents to make an open coming out), socially sensitive (there is still no society that fully accepts this social issue without any reservations) and still considered as controversial despite universal human rights, extensive research and the development of tolerance towards diversity<sup>1</sup>.

Antonio Stango writes about *Freedom of Religion and Minority Rights in China*, where its officially registered 56 ‘nationalities’, including the dominant Han population, however the People’s Republic of China has been adopting policies varying from marginalization to assimilation, and in some cases to what some scholars argue that may be defined “cultural genocide”. With the fast economic growth since the 1990s, the state has devoted huge resources to what it calls

modernization of the theoretically autonomous regions, but has not cared of protecting minority rights. As for freedom of religion, policies have aimed to rigidly control the practitioners, with the Chinese Communist Party supervising a system of 'recognized religions' and repressing other groups of believers. The author focuses mostly on 'Mainland China', then refers to Taiwan as an example of a different way to deal with minorities, and mentions the situation of Hong Kong.

Then Akihisa Matsuno writes about <sup>1</sup>the Decline of Freedom of Expression in Japan, political Interference and blackmail. He analyses the decline of freedom of expression in Japan during the past decade. I argue that the decline is the result of an increased political interference from the nationalist conservative administration and intensified campaigns by those who ally with it including its anonymous supporters who blackmail media or individuals. Although physical attacks such as assassinations have become rare in the past decade, threats and blackmail have continued. Media, journalists, academics, and activists who write critically about wartime atrocities such as the Nanjing massacre or comfort women or those who speak against legislation such as the latest security bills and the secret protection act that may undermine the constitutional pacifism receive various forms of pressure such as removal from influential posts, harassment, threats, or blackmail. Pressures are also put on their families. Finally, the article examines how freedom of expression for women is severely undermined by cyberbullying<sup>1</sup>.

Ied Veda Sitepu, Lisa G. Kailola, Dikky Antonius discuss about the right of people with disability to higher education. The authors remind that education must be for all, not



discriminative for every citizen of Indonesia as stated at the 1945 Constitution. In Indonesia, children with disabilities are given attention and they can access education in schools for the special children. Inclusive education means that every citizen with disability must stay in the same classroom with other students. Inclusive concept should also apply to higher education. People with disabilities should also be given the opportunity to study in tertiary level so that they can take more part in the community, in the labour market and maybe make important decisions for their interest and of others. Not too many institutions of higher learning in Indonesia are ready to admit them, however, due to prerequisite facilities that have to be completed by institutions before they can give access to people with disabilities; only a small number of higher education institutions that are ready but not for all kinds of disabilities. In their article they describe a general picture of higher education facilities for people with disabilities.

I encourage you to read the book.

Maria Ochwat

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## Right to Education: Revisiting Access for Students with Disabilities to Higher Education in Indonesia

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*Education promotes equality and lifts people out of poverty. It teaches children how to become good citizens. Education is not just for a privileged few, it is for everyone. It is a fundamental human right.*<sup>1</sup>

(Ban Ki-moon)

### Introduction

The United Nations describes human rights as “[...] inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more. Everyone is entitled to these rights, without discrimination.”<sup>2</sup> People, however, are

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<sup>1</sup> UN Secretary-General Ban Ki-moon’s speech during his visit to Timor-Leste, [https://www.unicef.org/media/media\\_65935.html](https://www.unicef.org/media/media_65935.html) [access: 26.02.2021].

<sup>2</sup> Human Rights. Peace, dignity and equality on a healthy planet. UN at <https://www.un.org/en/sections/issues-depth/human-rights/> [access: 18.12.2020].

attracted to human rights issues when it concerns with violations at war, social injustice and gender discrimination. Issues concerning lack of education or access do not come to surface as all countries have given at least education to their citizens, regardless of quality. In this chapter, we are going to discuss people's ignorance of the rights of people with disabilities despite the fact that "between 4% and 11% of the Indonesian population are affected by a disability that limits their ability to participate in society."<sup>3</sup> This paper will discuss access of people with disabilities to higher education, from several aspects, such as cultural and gender regardless of all regulations and laws that states that every citizen of the Republic of Indonesia has a right to education, particularly the nine year education (primary and junior secondary levels),<sup>4</sup> the social, economic and cultural aspects which are the major factors that hinder PWD to education in general and higher education in particular. The portrait of higher education in Indonesia will also be highlighted to give a better picture.

### International Regulations That Guarantee Every Human Right To Get An Education

In international regulations, we can also find articles that require the implementation of education, such as:

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<sup>3</sup> Disability in Indonesia: What Can We Learn from the Data? [https://www.monash.edu/\\_\\_data/assets/pdf\\_file/0003/1107138/Disability-in-Indonesia.pdf](https://www.monash.edu/__data/assets/pdf_file/0003/1107138/Disability-in-Indonesia.pdf) [access: 18.12.2020].

<sup>4</sup> 1945 Constitution, Chapter 31 and Law Num 20/2003, Article 6(1): „Every citizen from the age of 7 to 15 has the right to primary education” ( translation by the author), <https://www.mkri.id/public/content/informum/regulation/pdf/UUD45%20ASLI.pdf> [access: 18.12.2020].



## <sup>6</sup> 1. Universal Declaration of Human Rights<sup>5</sup>

Article 26 paragraph (1): “Everyone has the right to education. Education should be free, at least for the lower levels of school and primary education. Low education must be required.” Technical and vocational education in general should be open to all, and higher education should be accessible to all in the same way, on the basis of merit.

Whereas in the Universal Declaration of Human Rights which was declared by the UN General Assembly on December 10, 1948, it is also necessary to include the idea of free education for education participants at low and basic levels.

## 2. International Covenant on Economic, Social and Cultural Rights<sup>6</sup>

Article 13 paragraph (1): „States parties to this covenant recognize the right of everyone to education.“ They agreed that education should be directed towards the development of the whole human personality and awareness of his self-worth and strengthening respect for human rights and fundamental human freedoms. They further agreed that education should enable all people to participate effectively in a free society, promote mutual understanding, tolerance and friendship between nations and all groups, races, ethnicities or religions, and further promote the activities of the United Nations to nurture peace. Whereas in the covenant which was enacted on December 16, 1966 and came into

<sup>5</sup> Universal Declaration of Human Rights, Article 26 [access: 18.12.2020].

<sup>6</sup> International Covenant on Economic, Social and Cultural Rights. <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx> [access: 14.01.2021].

effect on January 3, 1976, it was recognized that the rights of everyone to obtain education and the participation of the community were recognized.

<sup>6</sup>  
3. International Covenant on Economic, Social and Cultural Rights<sup>7</sup>

Article 13 paragraph (2) letter a: “The state parties to this covenant recognize that in order to fully exercise this right: a. Basic education must be compulsory and freely available to all”.

Thus, this covenant includes efforts to provide free education at the basic education level. International regulations governing education exist after Indonesia made the 1945 Constitution, so before the United Nations declared the Universal Declaration of Human Rights or the Universal Declaration of Human Rights, the Indonesian state actually had its own thoughts that every citizen had the right to receive it as stated in Article 31 paragraph (1) and (2) of the 1945 Constitution prior to amendment.

### Access to Higher Education in Indonesia

It is true for all countries in the world that every citizen will need education because whether they realize it or not, education is the real measure of the country's welfare. With good education, people will be prosperous, it can protect and fulfill all the needs of its citizens both in fulfilling primary needs (clothing, food, shelter), secondary needs and tertiary needs. In developed countries, which are marked by the quality of educational outcomes, the welfare is viv-

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<sup>7</sup> Ibidem.

idly seen compared to that of developing or underdeveloped (poor) countries. Indonesia, which gained its independence in August 17, 1945, is still categorized as a developing country. Compared to its neighbouring countries in ASEAN, Indonesia's GDP/capita is still number 5, after Singapore (1), Brunei (2), Malaysia (3) and Thailand (4).<sup>8</sup>

The government has realized the importance of education, so education became the primary attention and with the realization of the allocation of education funds (as outlined in Article 31 paragraph (4) of the 1945 Constitution), although it is difficult for the government to balance its constitutional obligations in fulfilling the education budget amid the high burden of principal installments and debt interest in the state budget, which is still very large.

To date, Indonesia has around 4,670 higher education institutions,<sup>9</sup> consisting of universities, academies, vocational institutes, state and private entities which spread from Sabang in the most western part to Merauke the most eastern part of Indonesia. The denser the population, the higher the number of institutions. Jakarta, the capital city, Special Region of Yogyakarta, Central Java and East Java are among the provinces with the highest number of institutions. Indonesian students access higher education after a total of approximately 12 years studying at primary, junior secondary (Sekolah Menengah Tingkat Pertama) and senior secondary school (Sekolah Menengah Tingkat Atas), from the

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<sup>8</sup> Tradingnomics's Quarter 3–2020 data (List of ASEAN countries by GDP – Wikipedia) – [https://en.wikipedia.org/wiki/Economy\\_of\\_Indonesia](https://en.wikipedia.org/wiki/Economy_of_Indonesia) [access: 18.01.2021].

<sup>9</sup> Ministry of Research, Technology and Higher Education. Data and Information Centre for Science, Technology and Higher Education, 2018, <https://pddikti.kemdikbud.go.id/asset/data/publikasi/Statistik%20Pendidikan%20Tinggi%20Indonesia%202018.pdf> [access: 18.01.2020].



age of six or seven to the age of 17 or 18. At the tertiary level, there are three levels of graduates following the general terms in higher education i.e. undergraduate, the first stage of HE level, three–six year of studies, depending on the area of study, and leads to the award of the Bachelor's degree (*Sarjana* or S1), graduate degree, the second stage, for another two to three years, depending on the area of study, and leads to the award of the Master's degree (*Magister* or S2) and post-graduate. The third stage that can last around three years, depending on the area of study and leads to the award of the Ph.D. or Doctoral degree (*Doktor* or S3). The Indonesian Qualification Framework dictates that there are two streams of obtaining the degrees, first the vocational line and another in the academic line. Both may go up to the third stage, but with different purposes.

Minister of Education and Culture's decree Number 46/2014 clearly states about special education, special services and/or special teaching and learning in higher education, which determines higher education institution's responsibilities to admit people with disabilities to learning process and all activities until they graduate. This is a clear statement from the government that no institution is allowed to reject students with disabilities as long as they can facilitate their activities.<sup>10</sup>

The higher education stage is important before one enters the labour market. It is the phase when one prepares with competencies that are required by industry. Higher

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<sup>10</sup> *Permendikbud No 46, Tahun 2014 tentang Pendidikan Khusus, Pendidikan Layanan Khusus dan/atau Pembelajaran Khusus pada Pendidikan Tinggi* (Minister of Education and Culture's Decree Number 46/2014 on Special Education, Special Service Education and/or Special Learning in Higher Education).

education institutions nowadays not only serve as the place for the development of knowledge and technologies, but also a place to prepare future workforce. Tertiary degrees can also be seen as a stepping stone to the future:

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A degree may once have been a passport into graduate employment: it was indicative of the level of knowledge and intellectual ability. However, as a result of organisational changes and the expansion in the numbers of graduates, this is no longer the case. Although graduate jobs are expanding, so is the supply of graduates. In addition, many employers are also looking for various types of experience. Hence a degree is no guarantee of a job, let alone a career, and should only be seen as reaching 'first-base' in the recruitment process.<sup>11</sup>

The 2019 National Labour Force Survey concerning Indonesia's workforce statistics reported that there were 8.13 million of people who were underemployed (people working under 35 hours/week and are still searching for a job or nor willing to take another job)<sup>12</sup>. This figure, however, does not define whether this includes the number of those with disabilities and whether they have equal access to employment. Everything concerning labour market opportunities is a general picture. For instance, the World Bank in *Indonesia Jobs Report. Towards Better Jobs and Security for All* (2010) states that employers hired more workers with more competencies compared to the past due to more severe competitions in the market. This only shows what employers want

<sup>11</sup> L. Harvey, 2000, *New Realities: The relationship between higher education and employment*, Tertiary Education and Management 6: 3–17, Netherlands.

<sup>12</sup> *Sakernas 2019. Agustus 2019: Tingkat Pengangguran Terbuka (TPT) sebesar 5,28 Persen* (National Labour Force Survey 2019. August 2019: Open Unemployment Rate is 5.28 Percent), <https://www.bps.go.id/pressrelease/2019/> [access: 18.01.2021].

of their future employees without any specific statement that perhaps more women are needed or how many percent more they want women to be in their workforce or whether or not disabilities are included in recruitment. Fair Observer reports that nearly 70% of disabled children do not go to school and they only have 66.8% chance of finishing primary education. This is a sad figure considering that, with disabilities, their access is limited and this eventually impacts their future employment. The report states that only 64.9% of people with disabilities has a chance of getting a job.<sup>13</sup> Furthermore, according to the report,

...the vast gap that exists between those with disabilities and those without is actually created not only because of the physical limitations of the disabled, but also due to the immature mindsets of the public and their inability to embrace diversity. However, it is often because these people look “different” and have distinctive mannerisms that the non-disabled refer to their actions as irregular and abnormal.<sup>14</sup>

### Cultural and Gender Issues

From the west to the east, Indonesia is indeed a land of diversity in many aspects, hundreds of local languages and diverse socioeconomic backgrounds. Disparity between provinces in Indonesia does exist, for example, education facilities available in some regions are not available in oth-

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<sup>13</sup> <https://www.fairobsserver.com/> [access: 18.01.2021].

<sup>14</sup> M.Z. Rakhmat, D. Tarahita, 2017, *Disabled Workers in Indonesia Must Be Respected*, [https://www.fairobsserver.com/region/asia\\_pacific/indonesia-disabled-rights-asian-world-international-news-34450/](https://www.fairobsserver.com/region/asia_pacific/indonesia-disabled-rights-asian-world-international-news-34450/) [access: 18.01.2021].



ers. Indonesia is a multicultural country with hundreds of ethnic groups. Each ethnic group is governed by its own rules or norms which are established to protect the group and meant for their continuity and sustainability, and more often than not, they are implied differently for their male and female members. They also affect many aspects, like education for example. There is also a belief that women should be dependent on men who will become breadwinner of the family; this is also the reason why the culture favors boys over girls when it comes to education. Although the government has declared nine-year education—elementary and junior secondary levels-free for everyone, there are still parts of Indonesia where not only the quality of education is the challenge, but also the equality of opportunities of boys and girls in schools.<sup>15</sup> Indonesia is left behind in HDI ranks, even in Asia. The 2010 Human Development Report (HDR) ranked Indonesia 108 out of 182 countries according to the Human Development Index (HDI). This measurement does not include the degree of gender equality and Indonesia still faces challenges in achieving gender equality in all key development indicators.<sup>16</sup> Gender disparities, for example, still exist in many provinces in Indonesia, be it in primary, secondary and tertiary levels. Their access to education is limited as long as cultural and gender aspects are concerned. For example in NTT Province, boys are prioritized for education over girls and girls are not allowed to go to school because a girl's impurity will be questioned

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<sup>15</sup> *Kementerian Pemberdayaan Perempuan dan Perlindungan Anak* (Ministry of Women Empowerment and Child Protection) POLICY BRIEF. GENDER EQUALITY. INDONESIA. At <https://www.kemenpp-pa.go.id/lib/uploads/list/eec77-buku-policy-brief-gender-equality.pdf> [access: 20.01.2021].

<sup>16</sup> Ibidem.

and her bride price will go down when she goes to a school outside her area of living.<sup>17</sup>

Concerning people with disability, each ethnic group has their own belief in dealing with them. The lack of education also makes matter worse. The member of the family with disability will suffer from estrangement or is considered non-existent. They play important roles, especially when we talk about sustainable development-development without any exclusion. This means that the existence of people with disabilities can no longer be ignored. They are part of the society and the society is responsible to acknowledge their existence as part of them and their welfare should also be part of the society's responsibility. People with disabilities are all around us. Their existence is denied because of cultural aspects. The family with disabled members will try their best to hide the poor member(s) only because they do not want to be judged as an unfortunate family or to be exact, cursed family. There are stories how these unfortunate members were hidden or even imprisoned in a small room so that they would not escape or bring embarrassment to the whole family. Girls with disability, furthermore, experience double discrimination. Thus, in general, as discussed above, women are subjected to cultural disadvantage, which makes it difficult to take part in the community life. Their disability, will make things worse. SDG Number 5 calls for our attention. Gender equality means that it focuses on the empowerment of women and girls so that they will get similar opportunities as their male counterparts. Disabled women's chance to obtain education is lower than that of men's; therefore, they will have no competence and be less

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<sup>17</sup> Ibidem, p. 3.

likely to be employed.<sup>18</sup>

## Access Denied to Higher Education?

Why are so many children with disabilities not in schools? First, it is difficult to get enrolled – and even those who do so are often asked to leave later due to many reasons. Despite legal obligations, domestic regulations do not mandate adequate support for mainstream schools to teach students with disabilities. In mainstream schools, there is no specific training for teachers and principals, there is the lack of funding and no support staff. It creates a concept of thinking in the society that parents or families must provide the support. Some children's disability is so high that they have to be home-schooled by their parents. As a consequence, often only those with mild disabilities manage to enroll and stay in mainstream schools. Only less than 10 percent of children with special need receive formal education in Indonesia.<sup>19</sup>

These students face additional difficulties if they try to pursue higher education. Mostly in private universities, there is no specific guideline mentioned that candidates with disability couldn't enroll to university. Usually, all university candidates go through a medical test as part of enrolment if they want to study certain fields. Official guidelines allow universities to deny entry to students with certain

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<sup>18</sup> European Women Lobby. Women more prone to disability than men, and particularly vulnerable to discrimination and violence <https://www.womenlobby.org/Women-more-prone-to-disability-than-men-and-particularly-vulnerable-to> [access: 18.01.2021].

<sup>19</sup> Coulson, Jonthon. Education and exclusion for special needs students in Indonesia. Institute of Current World Affairs. At <https://www.Icwa.org/special-needs-education-indonesia-extraordinary-schools-ordinary-people/> [access: 18.01.2021].



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physical or psychological disorders declared or discovered in the test – even if the disability in question has no bearing on the chosen subject. For example, people with hearing impairments are advised not to study more than a dozen subjects, including law and foreign languages. Fearing rejection based on their disabilities, many students choose to only pursue the approved subjects instead. It is understandable when a specific ability (like physical ability) needed by certain study programs.<sup>20</sup>

The candidates with disability usually choose short-term programmes, such as two or three-year diploma to get certified before they come into the marketplace/job. Therefore, they will go to vocational education or try to obtain certain vocational competency that will make them independent.<sup>21</sup> It is clear that higher education can only be accessed by a small number of students with disabilities, although many universities declare that they are ready to welcome them. In order to open themselves to the disabled, institutions must not only prepare infrastructure, but also provide lecturers with knowledge of disabilities and skills to deal with them. These are important because the types and spectrum of disabilities vary. 2  
In the special education system, students are divided according the to type of disability – a school for

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<sup>20</sup> University of Ottawa. Understanding Barriers to Accessibility. <https://www.uottawa.ca/respect/sites/www.uottawa.ca/respect/files/accessibility-cou-understanding-barriers-2013-06.pdf> [access: 18.01.2021].

<sup>21</sup> Kemensos Perluas Akses Penyandang Disabilitas terhadap Dunia Kerja Lewat Program Penjangkauan (the Ministry of Social Affairs Expands Access for Persons with Disabilities to the World of Work through Outreach Programs, <https://www.jpnn.com/news/kemensos-perluas-akses-penyandang-disabilitas-terhadap-dunia-kerja-lewat-program-penjangkauan> <https://www.jpnn.com/news/kemensos-perluas-akses-penyandang-disabilitas-terhadap-dunia-kerja-lewat-program-penjangkauan> [access: 18.12.2020].

2 the blind is not going to be useful for a child with hearing impairments, and few schools accept those with autism and other disabilities outside the official categories. For many families, the mainstream schools are likely to be their only option. But when those schools reject the children, there is nowhere else to turn.

The government has begun to recognize some of these problems and responded by amending the regulations on the education of people with disabilities. But those revisions do not remove the main obstacles to mainstream education for these children. It needs collaboration with universities and organizations to do research and solve these problems as well.

When education for children with disabilities is concerned, the government has mandated right to education:<sup>22</sup>

Setiap anak yang cacat fisik dan atau mental berhak memperoleh perawatan, *pendidikan*, pelatihan, dan bantuan khusus atas biaya negara, untuk menjamin kehidupannya sesuai dengan martabat kemanusiaan, meningkatkan diri, dan kemampuan berpartisipasi dalam kehidupan masyarakat dan bernegara (Children with physical and or mental disabilities have the right to care, education, training, and special assistance and it is at state expense, to guarantee their lives in accordance with human dignity, to develop themselves and to improve their abilities to participate in the society and the state).

However, in reality only a small number of higher education institutions in the countries are open to people with disabilities. Ministerial Decree Number 70/2009 defines students with disabilities into 10 categories, ie. a. blind; b. deaf; c. speech impaired; d. mentally disabled; e. quadriplegic;

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<sup>22</sup> Undang-undang No 39 Tahun 1999 tentang Hak Azasi Manusia (Law Number 39/1999 on human rights).

f. unsociable; g. difficulty learning; h. slow to learn; i. autism; j. motoric problems; k. being a victim of drug abuse, illegal drugs, and other addictive substances; l. other disorders; m. multiple handicap.<sup>23</sup>

Indeed, the country has given attention to students with disabilities, proven by the existence of schools for the special need children, but this is not enough. People with disabilities are restricted not only by their capacities, but also by social or cultural barriers. The Gross Enrollment Rate to higher education in Indonesia is 30,85,<sup>24</sup> but there is no further information on how many people with disabilities are at the tertiary level. The calculation of students with disabilities concerns the primary level and it is still in progress.<sup>25</sup> The calculation of those in higher education level is still yet to be done. The 91,000 primary and secondary level students in inclusive education institution have to be considered to go into higher education. With the large spectrum of disabilities, we cannot just ignore their access to higher education. Better training will guarantee their future and secure financial independence and also their dignity and, thus, less burden to the society. Let us take Finland as an example of a country that has give better attention to people with disabilities, following the Disability Policy 2006–2015. Finnish higher education therefore confirms that “the essential aim of inclusive higher

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<sup>23</sup> Undang-undang No. 70 Tahun 2009 tentang Pendidikan Inklusif bagi Peserta Didik yang Memiliki Kelainan dan Memiliki Potensi Kecerdasan (Law Number 70/2009 on Inclusive Education for Students with Disabilities and Disclosure and Potential Intelligence) Art. 3.

<sup>24</sup> Statistik Nasional Tahun 2020 (2020 National statistic) at <https://www.bps.go.id/> [access: 18.01.2021].

<sup>25</sup> <https://www.kemdikbud.go.id/main/blog/2019/11/ayo-dukung-percepatan-pendataan-siswa-penyandang-disabilitas-di-sekolah-inklusif> [access: 18.01.2021].



education is to grant physical, psychological, and social accessibility in teaching and learning in Finnish higher education institutions (HEIs), so that everyone has the same right and access to study regardless of one's characteristics."<sup>26</sup>

Furthermore, they believe that accessibility is an investment and that "accessible and barrier-free learning environment must be considered as a strategic and long term operation on all levels of the higher education community."<sup>27</sup>

Thus, when access to education is a person's right, it is important to include tertiary education into consideration as well. Higher education is no longer a place to develop knowledge and technology, it has become a training institutions for people to better prepare for the future.

### **Welcoming POW to the Campus**

Education system in Indonesia has been already made and designed for every citizen in Indonesia.<sup>28</sup> The regulation in Indonesia already covered disability system.<sup>29</sup> Therefore, the country has already provided education for disabled citizens.

However, the education system itself consists of many important elements, all of which function to guarantee the

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<sup>26</sup> Karhu, Markku, „Accessible and Inclusive Studying at Higher Education Institutions in Finland“ VI Congreso Internacional sobre Aplicación de Tecnologías de la Información y Comunicaciones Avanzadas (ATICA2014).

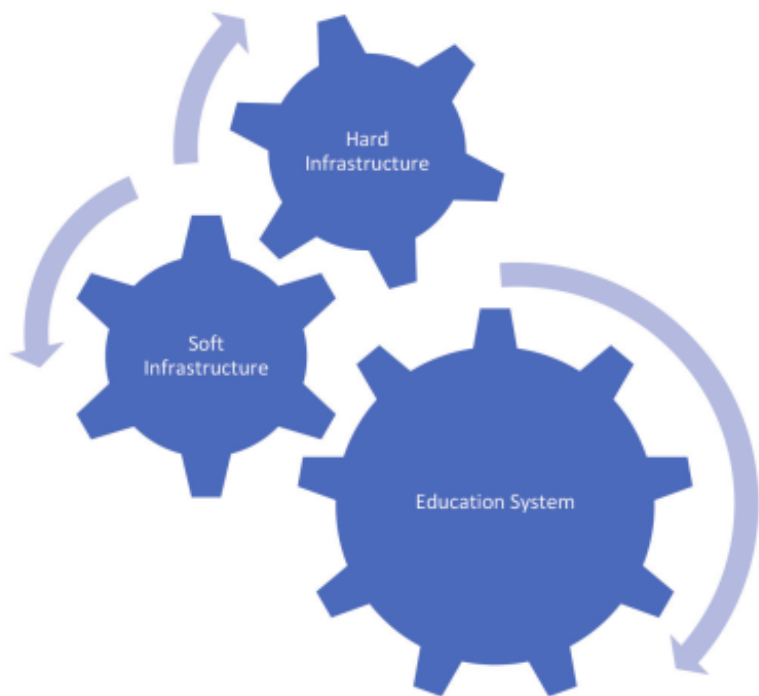
<sup>27</sup> Ibidem, p. 103. **8**

<sup>28</sup> Undang-undang No 20 Tahun 2003 tentang Sistem Pendidikan Nasional (Law Number 20/2003 about **8** National Education System).

<sup>29</sup> Undang-undang No 8 Tahun 2016 tentang Penyandang Disabilitas (Law Number 8/ 2016 on People with Disabilities).

output of the system (i.e. graduates) projected as designed before – accompanying each uniqueness. In order to produce graduates with competencies or quality graduates, education itself needs infrastructure to support and enhance the system.

Figure 1. Education support system and infrastructure



Source: (Cook M., Salazar L., 2016), p. 3.

The infrastructure itself consists of soft infrastructure and hard infrastructure. Soft infrastructure is usually related to equipment or tools which cannot be seen and which function to support the education system such, as course materials, computer software, academic information system, counselor facility, etc. Hard infrastructure is usually related to equipment or tools which can be seen and which support the education system such as building, computer, books, etc.

The infrastructure is manifested from the education system requirement. The education system in each university will be different according to their specific. Therefore, the infrastructure of each university will be different. Usually, these systems will encourage/motivate all students in Indonesia to take higher education. Usually, all systems will be their marketing strategy to promote their university. Moreover, all of the systems – which related to infrastructure will guarantee all of the students to work for their future.

However, when disability students is concerned, infrastructure has to be adjusted to their needs. Not many institutions of higher learning are ready to welcome students with disabilities, since infrastructure will be costly. Hard infrastructure for disability students such as rampways, wheel chairs, elevator, disability toilets may be easily provided, but it will be difficult to ensure Braille language facilities everywhere. To date, infrastructure for students with disabilities is rarely found in higher education institutions.

Figure 2. Hard Infrastructure for disabled students



Source: A private archive of the authors.

Soft Infrastructure for disability students is to be provided too. Counselling facilities, students guidance, software for disabled students, etc. are even harder provided by university. Moreover, there are no regulations that de-

termine the *minimum* infrastructure for the disability student. Therefore, up to free every university to determine the equipment for disabled students according to their own understandings. On the other hand, all the facilities and infrastructure promoted are usually for students without disabilities. Therefore, all of these promotions will be actually discouraging to disability students. They have already been rejected before they even registered because of this promotions. Disability students are already discouraged right before they registered because they found no facilities provided for them in promotion. Therefore, it is very important to complement the infrastructure in universities for disability students included in the. Infrastructure functionsas support for the educational system itself.

Therefore, it is important to interpret minimum infrastructure for disability students and the goal of each department will be necessary. Questions to interpret the accessibility for disability students table below are necessary to complete the interpretation of the infrastructure:

Having analyzed the responses to the questionnaire, we can define what will be necessary to complete the infrastructure in the universities

Table 1. Questions of infrastructure interpretation<sup>30</sup>

Question	Answer	Note
Is there any career/job position for disability student in this department?		
What percentage of RPS may be accessed by disability student?		
What kind of information is dominant in this department?	Visual/Audio	
What percentage of courses is necessary for phsycomotoric?		
What kind of material courses are provided in this department?		
Is there any disability group made for this department?		

<sup>30</sup> I.V. Sitepu, L.G. Kailola, D.A. Hutaaruk, 2020, *Preliminary report on ALIGN Project*, Indonesia Case Study (Unpublished)



Is there any staff responsible for communication disability matters?		
What kind of disability would be impossible in to handle in these department?		

Source: A private archive of the authors.

Table 2. Availability of infrastructure and facility<sup>31</sup>

Infrastructure	Minimum	Complementary
Admission		
Registration website for disability		
Universities guide for disability		
Learning Process		
Rampway		
Toilet		
Wheelchair		
Canteen		
Brailebook		
Software for disability		
Elevator		
Sport		
Study Group		
Worship Groups		
Counselors		
Staff		
Lecturer		

Source: A private archive of the authors.

After having this form completed, universities can meet all the minimum requirement for the universities for disabled students.

Conclusion

It is clear that most countries, both developing or developed ones, have their own regulations to guarantee that all of their citizens – including disability student s– get the

<sup>31</sup> Ibidem.

same right and access to education, a primary, secondary and tertiary levels. Students with disability are rarely found in higher education because Indonesian institutions are not prepared to meet disability students' needs concerning the enrollment system, clear guidelines for disability, staff or lecturers who are well aware and competent with the ability to communicate and care. Infrastructure in universities should also be prepared to welcome them into campus and its facilities. Therefore, they are denied before they even register to the universities. To prepare higher education institutions for disability students, universities – especially department and student service units – have to interpret all of their boundaries and readiness for disability: the outcome of education for students with disabilities and prospective workplaces, curricula which include knowledge about people with disabilities as part of teaching materials in general courses to raise other students's awareness of POW, as well as skillfull staff and adequate infrastructure. A university department has to mention what kind of disabilities are possible to be admitted in line with the educational outcome they design for the program.

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**Abstract**

This paper discusses the right of people with disability to higher education. Education must be for all, not discriminative for every citizen of Indonesia, as stated at the 1945 Constitution. In Indonesia, children with disabilities are given attention and they can access education in schools for special children. Inclusive education means that every citizen with disability must stay in the same classroom with other students. Inclusive concept should also apply to higher education. People with disabilities should also be given the opportunity to study at the tertiary level so that they can take more part in the community, in the labour market and maybe make important decisions for their own and other people's interest. However, not too many institutions of higher learning in Indonesia are ready to admit them, due to prerequisite facilities that have to be completed by institutions before they can give access to people with disabilities; there are only a small number of higher education institutions that are ready, but not for all kinds of disabilities. Facilities provided are usually for the physically handicapped, such as students with paralytics. Poor eyesight, being hard at hearing and other types of physical handicaps are not yet given attention. The spectrum of disabilities is broad and cannot be simply generalized or categorized, especially when mental disabilities are concerned. This paper provides a general outlook of higher education facilities for people with disabilities. In order to help the readers to get a clear picture of infrastructure and other facilities needed to cater for students with disabilities, it provides a simple list of questions to help institutions or departments to better understand and prepare to welcome people with disabilities.

**Keywords:** Inclusive education, students with disabilities, infrastructure, higher education

# Right to Education: Revisiting Access for Students with Disabilities to Higher Education in Indonesia

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