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# **Constitutional Law Reform to Realize Inclusive Higher Education for Persons with Disabilities**

### Asep Sapsudin<sup>1)</sup> & Hendri Abdul Qohar<sup>2)</sup>

<sup>1)</sup> Universitas Islam Nusantara Bandung, Indonesia, E-mail: <u>asepsapsudin@uninus.ac.id</u> <sup>2)</sup> Universitas Islam Nusantara Bandung, Indonesia E-mail: <u>hendri13zuhe@gmail.com</u>

Abstract. Inclusive and equitable higher education is an urgency that cannot be overlooked, especially in efforts to guarantee the human rights of persons with disabilities. Legal reform is essential to create an educational environment that supports equal access, as mandated by Law No. 8 of 2016 and Government Regulation No. 13 of 2020. The persistent barriers, such as physical, social, and non-adaptive curricula, lead to inequitable access for persons with disabilities in higher education institutions. This reform is not only crucial to protect their rights but also to encourage their participation in broader social and economic development. This study aims to analyze the implementation of legal reform policies in creating inclusive access to higher education for persons with disabilities, as well as to identify the challenges still faced. The research employs a normative juridical method. The study finds that constitutional legal reform in Indonesia aims to ensure equal access to higher education for persons with disabilities through inclusive and non-discriminatory policies. Through regulations such as Law No. 8 of 2016 and Government Regulation No. 13 of 2020, the state is committed to providing disability-friendly facilities and adaptive curricula. This approach ensures that the rights of persons with disabilities are protected, allowing them to fully participate in higher education.

Keywords: Constitutional; Disabilities; Education; Persons.

#### **1. INTRODUCTION**

Higher education plays a very important role in national development and individual development. At the individual level, higher education provides opportunities to develop the skills and knowledge needed to compete in the job market and improve quality of life. On a larger scale, higher education contributes to increased national productivity, innovation and sustainable economic growth.<sup>1</sup> According to Law No. 12 of 2012 on Higher Education, higher education aims to produce graduates who are competent, qualified, and ready to compete globally, and able to contribute to the advancement of science, technology, and culture. In addition, higher education is globally recognized as a human right that cannot be ignored. This is affirmed in the

<sup>&</sup>lt;sup>1</sup> Abdillah, F. (2024). Peran Perguruan Tinggi dalam Meningkatkan Kualitas Sumber Daya Manusia di Indonesia. *EDUCAZIONE: Jurnal Multidisiplin, 1*(1), 13–24.

Universal Declaration of Human Rights (1948) which states that everyone has the right to education, including higher education which must be accessible to all based on ability. In Indonesia, this is also reflected in the 1945 Constitution Article 31 paragraph (1) which affirms that every citizen has the right to education. This recognition of education as a human right provides a foundation for the government to ensure that access to higher education is equally available to all sections of society, without discrimination.<sup>2</sup>

The concept of inclusivity in education, especially for people with disabilities, has been the focus of attention in recent years. Law No. 8 of 2016 on Persons with Disabilities stipulates that persons with disabilities have the right to education equal to other individuals. Inclusive education not only enables people with disabilities to access education, but also promotes a learning environment that is friendly, adaptive and supportive of different learning needs.<sup>3</sup> With these measures, it is hoped that higher education can become an important instrument in creating a more just and inclusive society, where every individual, regardless of their physical or mental condition, has an equal opportunity to thrive.

The global context of the rights of persons with disabilities is primarily set out in the Convention on the Rights of Persons with Disabilities (CRPD) adopted by the UN in 2006. The CRPD aims to ensure that persons with disabilities have equal rights in various aspects of life, including access to education, employment, and participation in society.<sup>4</sup> The Convention is an important milestone in the fight for equal rights, where countries that ratify the CRPD are obliged to adopt policies and legal frameworks that support the rights of persons with disabilities. Indonesia itself has ratified the CRPD through Law No. 19 of 2011, which confirms Indonesia's commitment to the implementation of policies and laws that focus on fulfilling the rights of persons with disabilities, including in the field of education.<sup>5</sup>

In the national context, Indonesia has a number of regulations and policies that support inclusive education. One of the key laws is Law No. 8 of 2016 on Persons with Disabilities, which provides a legal foundation to protect the rights of persons with disabilities in various sectors, including education. This law emphasizes the importance of accessibility and equality for people with disabilities at all levels of education, including higher education. In addition, Permendikbud No 70 of 2009 on Inclusive Education also regulates the implementation of inclusive education at the primary and secondary school levels, which aims to ensure that children with disabilities have equal educational opportunities. However, challenges remain in implementing the policy in the field, especially in higher education.

<sup>&</sup>lt;sup>2</sup> Haling, S., Halim, P., Badruddin, S., & Djanggih, H. (2018). Perlindungan hak asasi anak jalanan dalam bidang pendidikan menurut hukum nasional dan konvensi internasional. *Jurnal Hukum & Pembangunan, 48*(2), 361–378.

<sup>&</sup>lt;sup>3</sup> Gusman, D. G., Nazmi, D. N., & Syofyan, Y. S. (2022). Pemenuhan hak memperoleh pekerjaan bagi penyandang disabilitas berdasarkan Undang-Undang Nomor 8 Tahun 2016 tentang penyandang disabilitas. *Riau Law Journal, 6*(2), 231–245.

<sup>&</sup>lt;sup>4</sup> Mauludi, F., & Pawestri, A. (2022). Pertanggung Jawaban Negara Dalam Pemenuhan Hak Penyandang Disabilitas Menurut Hukum Internasional. *Inicio Legis*, *3*(1), 73–90.

<sup>&</sup>lt;sup>5</sup> Paruntu, M. C. K., Anis, F. H., & Mamesah, E. L. (2023). Penerapan Kebijakan Hak Aksesibilitas Dalam Undang-undang Nomor 8 Tahun 2016 Tentang Penyandang Disabilitas di Indonesia. *Lex Privatum*, *12*(2).

In Indonesia, accessibility of higher education for people with disabilities is still far from ideal when compared to some other countries. Many universities have not fully met accessibility standards, both in terms of physical facilities and technological support needed to meet the learning needs of people with disabilities.<sup>6</sup> Based on data from the Ministry of Education and Culture, only a small percentage of higher education institutions in Indonesia have adequate facilities for people with disabilities, such as access points, Braille reading materials, and other assistive technologies. Compared to developed countries such as the United States, which has strong policies through the Americans with Disabilities Act (ADA) and supporting programs at the university level, Indonesia still faces a large gap in providing equal access in the higher education sector. Efforts to reduce this gap require a stronger commitment from the government, especially in strengthening the implementation of existing policies and ensuring that higher education in Indonesia is more inclusive and accessible to people with disabilities.<sup>7</sup>

People with disabilities in Indonesia still face significant challenges in accessing higher education. Based on data from the Central Statistics Agency (BPS) in 2022, the number of people with disabilities in Indonesia reached more than 21 million people, or around 8.5% of the total population. However, access to higher education for people with disabilities is still limited. Data from the Ministry of Education, Culture, Research and Technology shows that only around 2% of people with disabilities have access to higher education, much lower than the non-disabled group.

One of the biggest barriers that people with disabilities face in accessing higher education is physical barriers. Many higher education institutions in Indonesia do not fully provide facilities that are friendly to people with disabilities. The accessibility of buildings, such as stairs without appropriate ramps or elevators, as well as the lack of supporting facilities such as wheelchair-accessible study rooms or hearing devices, are major barriers for people with disabilities.<sup>8</sup> Law No. 8 of 2016 on Persons with Disabilities has actually emphasized the state's obligation to provide accessible facilities and infrastructure, but its implementation in the field is still very minimal.

Financial barriers are also a significant problem. People with disabilities often come from lower-middle class families, which makes it difficult for them to cover their tuition fees. Scholarships for people with disabilities are available, but the number is still limited and does not cover all educational needs.<sup>9</sup> In addition, social barriers and stigma are still inherent in society, including in educational settings. Many people with disabilities face discrimination from both peers and teaching staff, which affects their confidence and motivation in pursuing higher education. On the other hand, the higher education system in Indonesia is still not fully inclusive. The existing curriculum is generally not designed to meet the learning needs of people with disabilities. The availability of learning materials in appropriate formats, such as books in braille or

<sup>&</sup>lt;sup>6</sup> Fathimah, K., & Apsari, N. C. (2020). Aksesibilitas sebagai bentuk kemandirian disabilitas fisik dalam mengakses fasilitas pelayanan publik ditinjau dari activity daily living. *Jurnal Kolaborasi Resolusi Konflik*, *2*(2), 120–132.

<sup>&</sup>lt;sup>7</sup> Mutia, F. (2023). *Akses, Informasi dan Disabilitas*. Airlangga University Press.

<sup>&</sup>lt;sup>8</sup> Soleh, A. & others. (2016). *Aksesibilitas Penyandang Disabilitas terhadap Perguruan Tinggi; Studi Kasus di Empat Perguruan Tinggi Negeri di Yogyakarta*. LKIS Pelangi Aksara.

<sup>&</sup>lt;sup>9</sup> Kahar, A. (2022). *Meretas Batas Impian dengan Beasiswa*. Indonesia Emas Group.

digital content accessible to blind and deaf people, is still very limited. Adjustments to learning methods are also often not made, hindering the learning process.<sup>10</sup> In fact, Article 42 of Law No. 20 of 2003 on the National Education System explicitly states that education for persons with disabilities must be organized in an inclusive manner by providing appropriate adjustments to the curriculum, methods and facilities.

Gaps in existing Constitutional Law, particularly in the areas of education and persons with disabilities, are a significant problem in ensuring equal rights and social justice in Indonesia. Despite efforts to strengthen policies through Law No. 8 of 2016 on Persons with Disabilities and Law No. 20 of 2003 on the National Education System, there are several weaknesses that do not fully guarantee the protection of the rights of persons with disabilities, especially in higher education. One clear example is the lack of explicit arrangements regarding the accessibility of educational facilities, inclusive curriculum, and adaptation of teaching methods for persons with disabilities. Indonesia's current constitutional law does not explicitly provide the necessary protection for persons with disabilities in higher education. While Article 31 of the 1945 Constitution mandates the right of every citizen to education, derivative regulations related to higher education for persons with disabilities are weak in implementation. For example, regulations regarding disability-friendly education facilities and infrastructure, provision of adaptive education services, and special support for persons with disabilities are still lacking in concrete implementation in the field.<sup>11</sup> This has led to low participation rates of people with disabilities in higher education, as well as creating a gap between constitutionally guaranteed rights and the reality of access to education.

Inclusiveness in education for persons with disabilities is one of the crucial issues that has not been fully reflected in existing legal policies. The lack of clarity and scarcity of adequate legal provisions to accommodate the special needs of people with disabilities contribute to limited access for this group.<sup>12</sup> While some universities have made efforts to provide services for students with disabilities, clearer and more explicit national policies and regulations are needed so that every higher education institution has equal responsibility in supporting accessibility. The urgency of legal reform in the state system is crucial to address this injustice. From a social justice perspective, legal reform is needed to strengthen equality and fight for the rights of people with disabilities, especially in higher education.<sup>13</sup> This is in accordance with the principle that every citizen, without exception, has the right to enjoy the benefits of a fair and equal education system. Addressing this gap is an important step towards realizing an inclusive society that treats every individual fairly, without discrimination.

<sup>&</sup>lt;sup>10</sup> Lintangsari, A. P., Kusumawardani, I. N., Emaliana, I., Koeswoyo, R. A., Sujannah, W. D., Ekatina, M., & others. (2023). *Inclusive Instructions: Teori dan Praktik di Pendidikan Tinggi*. Universitas Brawijaya Press.

<sup>&</sup>lt;sup>11</sup> Dirkareshza, R., Wahid, U., Wijaya, S., Dirkareshza, N. P., Permatasari, E. D., & others. (2023). *Inklusi Politik untuk Semua: Menuju Pemilihan Umum yang Lebih Responsif terhadap Penyandang Disabilitas*. PT Idemedia Pustaka Utama.

<sup>&</sup>lt;sup>12</sup> Abdussamad, Z., Apripari, A., Muhtar, M. H., Ahmad, A., Bakung, D. A., & Imran, S. Y. (2023). Pendekatan Cultural Studies Perlindungan Hukum Bagi Penyandang Disabilitas Di Kabupaten Boalemo. *Community Development Journal: Jurnal Pengabdian Masyarakat*, *4*(6), 11518–11526.

<sup>&</sup>lt;sup>13</sup> Mozes, N. Z. (2020). Hak Pendidikan Anak Penyandang Disabilitas Dalam Presfektif Hak Asasi Manusia. *Lex et societatis, 8*(3).

Human rights are also a key cornerstone of constitutional law reform efforts. Persons with disabilities are entitled to equal opportunities to access higher education as stipulated in the constitution and international principles, such as those contained in the UN Convention on the Rights of Persons with Disabilities (CRPD), which Indonesia has ratified through Law No. 19 of 2011. The Convention emphasizes that inclusive education should be an integral part of the national education system, and Indonesia needs to adjust its regulations to align with this international commitment. The urgent need to strengthen legal policies that support the inclusion of people with disabilities in higher education cannot be ignored.<sup>14</sup> Without stronger and stricter policies, discrimination will continue to occur, and accessibility for people with disabilities will remain a challenge. Legal reforms are needed to ensure that the rights of people with disabilities are effectively protected, as well as to promote a more inclusive educational environment, where every individual has an equal opportunity to participate and thrive in the higher education system.

Inclusive access to higher education has important relevance for human resource development and economic development in Indonesia. In the context of national development, access to higher education for all levels of society, including people with disabilities, is key to maximizing human resource potential.<sup>15</sup> Article 31 of the 1945 Constitution affirms the right of every citizen to education, and Law No. 8 of 2016 on Persons with Disabilities further regulates the state's obligation to provide accessibility for people with disabilities in various sectors, including education. Inclusive education enables people with disabilities to participate fully in society, which in turn increases national productivity and promotes sustainable development. Increased inclusiveness in education will have a significant impact on the employment and socio-economic participation of persons with disabilities.<sup>16</sup> Data from the Central Bureau of Statistics (BPS) shows that the labor participation rate of people with disabilities is still low compared to the general population. One of the main factors is the lack of access to adequate education. By providing equal opportunities in higher education, people with disabilities can gain the skills and knowledge needed to compete in the job market. This will increase employment opportunities for people with disabilities and at the same time, strengthen the economic sector by increasing the number of skilled and competitive workers.<sup>17</sup>

Inclusive education reforms not only benefit individuals with disabilities, but also provide great benefits to society at large. By expanding access to higher education for all groups, Indonesia can promote more equitable and inclusive development. This is in line with the principle of social justice mandated in the 1945 Constitution, as well as the sustainable development goals (SDGs) which emphasize the importance of leaving no one behind. Inclusive education promotes workforce diversification and enriches

<sup>&</sup>lt;sup>14</sup> Ndaumanu, F. (2020). Hak penyandang disabilitas: Antara tanggung jawab dan pelaksanaan oleh pemerintah daerah. *Jurnal Ham*, 11(1), 131–150.

<sup>&</sup>lt;sup>15</sup> Andriani, O., Pangestu, P. E., Noviyanti, D. F., & Julianti, S. (2024). Landasan Filosofis Dalam Optimalisasi Pedoman Penyelenggaraan Pendidikan Inklusi. *JURNAL PENDIDIKAN & PENGAJARAN (JUPE2), 2*(1), 185–201.

<sup>&</sup>lt;sup>16</sup> Nugroho, A., & Mareza, L. (2016). Model dan Strategi Pembelajaran Anak Berkebutuhan Khusus dalam Setting Pendidikan Inklusi. *Jurnal Pendidikan Dasar PerKhasa, 2*(2), 145–156.

<sup>&</sup>lt;sup>17</sup> Maris, A. W. I., & Rahmi, I. (2022). Strategi lembaga pendidikan tinggi inklusif dalam meningkatkan kemampuan kerja mahasiswa difabel: Praktik baik di Indonesia. *Seminar Nasional Inovasi Vokasi*, *1*, 106–115.

social and cultural perspectives, which in turn strengthens social cohesion and broadens the national economic base. To conclude, inclusive education reform is not only a social justice issue, but also an integral part of Indonesia's economic and social development strategy. Policies that support equal access in higher education will provide greater opportunities for people with disabilities to contribute to national development. Legal reforms that promote inclusive higher education are essential to realizing this equality, in accordance with the mandate of the constitution and applicable laws and regulations. The transition to the problem section of this study will discuss the main challenges faced in implementing inclusive higher education, as well as how various policies can overcome the structural barriers. This section will take an in-depth look at the problems to be solved, such as inequitable access to education for people with disabilities, and how reform efforts can comprehensively improve the situation.

#### 2. RESEARCH METHODS

This research uses a normative juridical approach, which means that the research is carried out by examining related laws as the main material, then examined and analyzed using theories, legal principles, and relevant legal concepts.<sup>18</sup> This method is applied to answer the problems raised in the research. The data source used is secondary data, consisting of primary, secondary, and tertiary legal materials, which are written or sourced from the literature.

#### **3. RESULT AND DISCUSSION**

#### **3.1. Constitutional Law Reform in Ensuring Accessibility of Higher Education** for Persons with Disabilities

Indonesia's constitutional law reform in education aims to create a more inclusive system, especially for people with disabilities. One important aspect of this reform is the guarantee of accessibility of higher education for people with disabilities, which is regulated through a series of policies and regulations.<sup>19</sup> In Law No. 8 of 2016 on Persons with Disabilities, the state has established an obligation to ensure that every citizen, including persons with disabilities, has equal access to education, including higher education. This legal reform aims to remove structural and social barriers that prevent persons with disabilities from obtaining proper higher education. One of the concrete efforts in this legal reform is through strengthening policies that support inclusivity in higher education. These policies include providing adequate physical access at universities, such as the development of disability-friendly infrastructure, as well as the provision of technology and other supporting facilities.<sup>20</sup> Government Regulation No. 13 of 2020 on Appropriate Accommodation for Learners with Disabilities clearly regulates the responsibility of educational institutions in providing adequate facilities and infrastructure. Facilities such as ramps, special elevators, and appropriate

<sup>&</sup>lt;sup>18</sup> Ali, Z. (2021). *Metode penelitian hukum*. Sinar Grafika.

<sup>&</sup>lt;sup>19</sup> MH, R. S. T. S. (2024). *Reformasi Hukum Tata Negara: Menuju Keadilan dan Keseimbangan*. Historie Media.

<sup>&</sup>lt;sup>20</sup> Yulius, M. (2020). Hak Penyandang Disabilitas Di Bidang Politik Menurut Undang-Undang Nomor 8 Tahun 2016 Tentang Penyandang Disabilitas. *Lex Administratum*, *8*(3).

access points must be available in every higher education institution to ensure that people with disabilities can access study rooms, libraries, and other facilities easily.<sup>21</sup> In addition to physical aspects, the constitutional law reform also emphasizes the importance of adaptation in curriculum and teaching methods in higher education institutions. People with disabilities have the right to receive learning materials that are tailored to their needs. This means that every higher education institution must provide a variety of teaching methods that are accessible to learners with disabilities, whether through technology, teaching materials in alternative formats, or the provision of assistive devices such as special software or sign language interpreters. This adjustment is not only regulated by the National Education System Law, but also encouraged by Government Regulation No. 13 of 2020, which emphasizes the importance of special accommodation for people with disabilities in the teaching and learning process.

Regulations that accommodate the special needs of persons with disabilities in higher education are not only normative, but also a form of implementation of human rights in the context of education. The state, through its various legal instruments, has the responsibility to ensure that persons with disabilities do not experience discrimination in obtaining education. The principle of nondiscrimination is regulated in various international legal instruments ratified by Indonesia, such as the Convention on the Rights of Persons with Disabilities, which strengthens the state's commitment to guaranteeing equal rights to education. The principle of nondiscrimination is one of the important foundations in efforts to create an inclusive education system in Indonesia. This principle is reflected in various international legal instruments that have been ratified by Indonesia, one of which is the Convention on the Rights of Persons with Disabilities.<sup>22</sup> This ratification demonstrates Indonesia's commitment to ensuring that persons with disabilities have equal rights in accessing education, without any differentiating treatment or hindering their active participation in education. In this context, the international convention binds Indonesia to adapt its national laws to align with international standards related to the rights of persons with disabilities.<sup>23</sup> In the national legal framework, the principle of nondiscrimination has been adopted through Law No. 8 of 2016 on Persons with Disabilities. This law explicitly guarantees that persons with disabilities have the right to equal education, from basic education to higher education. The law prohibits any form of discrimination that may hinder the access of persons with disabilities to education services. This includes the right to appropriate educational facilities and infrastructure, adapted curricula, and adaptive teaching methods. As such, the state has the responsibility to ensure that every educational institution complies with these rules and provides an inclusive environment for all learners.

<sup>&</sup>lt;sup>21</sup> Rusdiyanto, R. (2021). Sosialisasi Penerapan Peraturan Pemerintah Nomor 13 Tahun 2020 tentang Akomodasi yang Layak bagi Anak Berkebutuhan Khusus Sekolah Inklusi di SDN Wirolegi 1 Kabupaten Jember. *Mujtama': Jurnal Pengabdian Masyarakat, 1*(2), 109–118.

<sup>&</sup>lt;sup>22</sup> Wati, K. P., Indriani, S., Agustomi, A., & Andriani, O. (2024). Menjawab Kebijakan Pemerintah Mengenai Perkembangan Dunia Tentang Pendidikan Inklusi. *Dharma Acariya Nusantara: Jurnal Pendidikan, Bahasa dan Budaya, 2*(1), 37–49.

<sup>&</sup>lt;sup>23</sup> Andayani, A., & Afandi, M. (2019). Pemberdayaan dan pendampingan komunitas penyandang disabilitas dalam mengakses Pendidikan tinggi. *Aplikasia: Jurnal Aplikasi Ilmu-ilmu Agama*, *16*(2), 153–166.

The ratification of the Convention on the Rights of Persons with Disabilities also encouraged legal reforms in the education sector to strengthen the protection of the rights of persons with disabilities. As a result of this ratification, Government Regulation No. 13 of 2020 on Reasonable Accommodation for Learners with Disabilities was issued as a more specific legal instrument to ensure that every educational institution provides disability-friendly facilities and services. This regulation complements existing laws by detailing the responsibilities of educational institutions in providing physical accessibility, assistive technology, and flexibility in teaching and academic assessment. The principle of nondiscrimination stipulated in this regulation emphasizes that people with disabilities must be treated equally, both in physical aspects, curriculum, and assessment. The principle of nondiscrimination against persons with disabilities, especially in access to education, has been adopted by Indonesia through various ratified international legal instruments. One of the most important instruments is the Convention on the Rights of Persons with Disabilities (CRPD), an international legal instrument adopted by the United Nations in 2006, which aims to protect the rights and dignity of persons with disabilities. The Convention affirms that persons with disabilities have the same rights as other people, including the rights to education, health, employment, and full participation in society. Indonesia ratified the CRPD through Law No. 19 of 2011. which has been ratified through Law No. 19 of 2011. The Convention affirms the state's commitment to protect and promote the rights of persons with disabilities, including the right to equal and inclusive education.<sup>24</sup> Through this ratification, Indonesia is required to align its laws and regulations with international standards that ensure that persons with disabilities can participate fully in social, economic, and educational life without discrimination.

The convention regulates various important aspects of human rights, including the right to education, which is stipulated in Article 24. This article emphasizes that countries that have ratified the convention must ensure that the education system at all levels, including higher education, is accessible to persons with disabilities under conditions equal to others. The implementation of this convention in Indonesia can be seen through a series of regulations issued by the government, such as Law No. 8 of 2016 on Persons with Disabilities. In this law, the principle of non-discrimination is the main foundation in the effort to create an inclusive education system. The state is committed to ensuring that the right to equal education is realized through the provision of facilities and services that meet special needs.<sup>25</sup> In addition to Law No. 8 of 2016, this ratification also encourages the government to issue more specific policies governing accommodation for persons with disabilities in the education sector. Government Regulation No. 13 of 2020 on Appropriate Accommodation for Learners with Disabilities is one of the derivative regulations that strengthen the government's commitment to ensuring access to education for people with disabilities. This regulation emphasizes that every educational institution has the responsibility to provide disability-friendly facilities and flexible teaching methods, so that the rights of persons with disabilities to obtain equal education can be fulfilled. The principle of nondiscrimination stipulated in the CRPD is reflected in this regulation, with the aim of

<sup>&</sup>lt;sup>24</sup> Komnas, H. (2016). *Kertas Posisi Mendorong Pengesahan "Optional Protocol to the Convention on the Rights of Persons with Disabilities" (OP CRPD) dalam Rangka Pemenuhan Hak Asasi Manusia Penyandang Disabilitas*. Komnas HAM.

<sup>&</sup>lt;sup>25</sup> Wijaya, A. T., & Nurhajati, L. (2018). Implementasi CRPD dalam Aspek Aksesibilitas Transportation Publik di DKI Jakarta. *Bricolage: Jurnal Magister Ilmu Komunikasi, 4*(02), 180– 209.

eliminating all forms of barriers that may hinder the access of persons with disabilities to education.  $^{\rm 26}$ 

With its ratification CRPD, Indonesia must also periodically report progress on the implementation of the rights of rights of persons with disabilities on a regular basis to the international committee that monitors the implementation of this convention. This process encourages the government to continuously update its policies and regulations to be in line with international standards standards. The legal reforms undertaken in Indonesia, including the revision and revisions and updates to disability-related laws are part of the efforts driven by this international obligation. driven by this international obligation. The principle of nondiscrimination contained in the CRPD became the main guideline in the formation of national policies that focus on the right to equal policies that focus on the right to equal education.<sup>27</sup> The ratification of the Convention on the Rights of Persons with Disabilities strengthens Indonesia's commitment to ensuring that the rights of persons with disabilities are respected and fulfilled, especially in the context of education. This international legal instrument provides a clear framework for the government to undertake legal reforms at the national level, aimed at creating an inclusive and nondiscriminatory education system. These reforms include drafting regulations that ensure physical access, assistive technology and flexibility in the curriculum, so that people with disabilities can participate in higher education with equal rights. International legal instruments such as the Convention on the Rights of Persons with Disabilities also require states to not only adopt the principle of nondiscrimination in national laws, but also ensure its implementation on the ground. In this case, the state has the responsibility to supervise educational institutions to comply with these principles. Supervision and law enforcement are important to ensure that existing regulations are actually implemented and the rights of persons with disabilities are not ignored.<sup>28</sup> This reflects the state's commitment to realizing an inclusive and equal education system for all.

The principle of nondiscrimination set out in international and national legal instruments is an important foundation for education law reform in Indonesia. The ratification of the Convention on the Rights of Persons with Disabilities and its implementation in domestic law through various laws and regulations, shows that Indonesia is serious in guaranteeing equal education rights for persons with disabilities. These reforms not only strengthen the existing legal system, but also reflect Indonesia's commitment to human rights values in the education sector.<sup>29</sup> These constitutional law reforms that support inclusivity also emphasize the importance of monitoring and enforcement for higher education institutions. Any university that does not comply with the rules regarding accessibility and inclusivity may be subject to

<sup>&</sup>lt;sup>26</sup> Panglipurjati, P. (2021). Sebuah Telaah Atas Regulasi Dan Penetapan Pengampuan Bagi Penyandang Disabilitas di Indonesia dalam Paradigma Supported Decision Making. *Jurnal Paradigma Hukum Pembangunan*, 6(02), 79–109.

<sup>&</sup>lt;sup>27</sup> Situmorang, A. A. C., & Kusuma, W. (2023). Convention on The Rights of Persons With Disabilities: Efforts to Fulfill Human Rights for Access to Workers with Disabilities. *Uti Possidetis: Journal of International Law*, *4*(2), 165–199.

<sup>&</sup>lt;sup>28</sup> Nursyamsi, F., Arifianti, E. D., Aziz, M. F., Bilqish, P., & Marutama, A. (2015). *Kerangka hukum disabilitas di Indonesia: Menuju Indonesia ramah disabilitas*. Indonesian Center for Law and Policy Studies.

<sup>&</sup>lt;sup>29</sup> Arrivanissa, D. S. (2023). Mewujudkan Hak dan Kesempatan Kerja Bagi Penyandang Disabilitas Tuna Netra Dalam Perspektif Hukum dan Hak Asasi Manusia. *El-Dusturie*, 2(1).

administrative and other legal sanctions. Effective oversight of the implementation of these regulations is essential to ensure that educational institutions fulfill their responsibilities properly, so that the right to education for persons with disabilities can be fulfilled. Overall, Indonesia's constitutional law reforms have provided a strong foundation for the creation of a disability-inclusive higher education environment. Through policy strengthening, curriculum adjustments and strict supervision, these reforms aim to remove any barriers that hinder access to higher education for people with disabilities. This is not only a moral responsibility, but also part of the legal commitments enshrined in Indonesia's constitution and laws and regulations.

# **3.2.** The Role of Legal Reform in Creating an Inclusive and Equitable Higher Education Environment

Indonesia's constitutional law reforms play an important role in ensuring accessibility to higher education for people with disabilities. As part of the effort to realize an inclusive society, this reform aims to strengthen policies and regulations that guarantee the rights of persons with disabilities to obtain equal education.<sup>30</sup> In this context, education policy must be able to accommodate their special needs, both in terms of physical infrastructure and in terms of curriculum and teaching methods. Regulatory adaptation is crucial to ensure that higher education is not only accessible to all individuals, but also provides a supportive environment for those who need special assistance. Therefore, legal reform in this area is not just a matter of updating laws, but also a real commitment to promoting inclusivity and equality in higher education aims to create an inclusive system, where all citizens, including people with disabilities, have equal opportunities to access higher education. Legal reform in Indonesia has attempted to create an inclusive education system, especially through policies that accommodate the special needs of students with disabilities.

Education policy should include not only access to physical facilities, but also adjustments to curricula and teaching methods so that all individuals can obtain equal education rights. In this context, relevant laws, such as Law No. 8 of 2016 on Persons with Disabilities, are the main foundation that regulates the rights of persons with disabilities to gain access to proper education. These reforms aim to ensure that higher education is accessible to all, regardless of physical or sensory conditions. In terms of physical infrastructure, existing regulations mandate that educational institutions provide adequate facilities to support learners with special needs.<sup>31</sup> Law No. 8 of 2016, for example, requires universities and other educational institutions to have disabilityfriendly buildings, such as ramp access, special elevators, and sanitation facilities that can be used by people with disabilities. This infrastructure must be designed in such a way that learners do not experience physical barriers in accessing classrooms, libraries, or other public facilities on campus. Without adaptations in physical infrastructure, the right to equal education for people with disabilities is difficult to realize. In addition, legal reforms also require adjustments in curriculum and teaching methods. Curricula in higher education should be designed to be flexible, taking into account the special

<sup>&</sup>lt;sup>30</sup> Siregar, M. H. S. M. H. (2022). Sosialisasi Dan Pendidikan Pemilih Berdasarkan Peraturan Perudang-Undangan. *Yudabbiru Jurnal Administrasi Negara*, *4*(1), 21–35.

<sup>&</sup>lt;sup>31</sup> Firdaus, I. (2024). Efektivitas UU Cipta Kerja dalam Melindungi Hak Pekerja Penyandang Disabilitas. *Jurnal Fakta Hukum (JFH)*, *3*(1), 1–18.

needs of learners who may require alternative teaching methods. The Law on the National Education System mandates that every learner has the right to an education that suits his or her potential and needs.<sup>32</sup> In practice, this means educational institutions should be prepared to provide learning materials in accessible formats, such as textbooks in Braille format, digital materials that support screen reader software, or the use of sign language in the classroom. Teaching methods should also be adaptive, including the implementation of supportive technologies, such as interactive learning software or digital platforms that allow learners to participate without being limited by physical barriers.

Regulatory adaptation is crucial in ensuring that higher education is not only inclusive in theory, but also practically applicable. Government Regulation No. 13 of 2020 on Reasonable Accommodation for Learners with Disabilities emphasizes the need for educational institutions to provide flexibility in academic teaching and assessment systems. This could mean providing additional time to complete exams or offering exam formats that are more suited to learners' physical abilities. Through this regulation, educational institutions are expected to create a supportive learning environment for learners with special needs, both in terms of physical infrastructure and in the teaching and learning process. The legal reforms carried out in the field of education. With the right adaptation of regulations, learners with special needs are not only given access to education, but also get a learning environment that supports their academic development.

In this case, the education policy enacted must be able to accommodate various special needs. In particular, legal instruments in Indonesia, such as Law No. 8 of 2016 on Persons with Disabilities and the National Education System Law, have emphasized the importance of educational accessibility for all levels of society, including persons with disabilities. The implementation of these laws requires that the education system is able to provide appropriate means to support inclusive education, both through physical infrastructure and curriculum adjustments. One important aspect of this reform is the construction and development of physical infrastructure that supports the needs of people with disabilities in the education environment. Law No. 8 of 2016, for example, mandates the provision of disability-friendly facilities, including in educational institutions. The facilities include building accessibility, on-campus transportation, and supporting technology to facilitate the learning process.<sup>33</sup> Every university or college is expected to have infrastructure designed according to international standards so that it can provide better access for all students without discrimination.

In addition to physical infrastructure, legal reform also touches on aspects of curriculum adjustment and teaching methods in educational institutions. In this context, the higher education curriculum must be designed in such a way as to be

<sup>&</sup>lt;sup>32</sup> Khunaifi, A. Y., & Matlani, M. (2019). Analisis kritis undang-undang sisdiknas nomor 20 tahun 2003. *Jurnal Ilmiah Iqra'*, *13*(2), 81–102.

<sup>&</sup>lt;sup>33</sup> Cahyadi, N. (2020). Pelaksanaan Dan Pemenuhan Hak Pendidikan Bagi Penyandang Disabilitas Mental Berdasarkan Pasal 10 Undang-Undang Nomor 8 Tahun 2016 Tentang Penyandang Disabilitas Dan Pasal 32 Undang-Undang Nomor 20 Tahun 2003 Tentang Sistem Pendidikan Nasional (Studi Kasus Sekolah Menengah Kejuruan Nasional Depok). *Rechtsregel: Jurnal Ilmu Hukum, 2*(2), 713–731.

responsive to different needs. For example, the National Education System Law mandates that every learner has the right to receive an education that suits his or her abilities.<sup>34</sup> Therefore, the curriculum should be flexible, inclusive and able to provide alternative teaching methods, such as the use of interactive learning technologies, learning materials in audio or Braille formats, and personalized education services as needed. Teaching methods should also reflect the diversity of learners in the higher education environment. Adaptive teaching approaches are needed to ensure that all individuals can understand and follow educational materials without being hampered by physical or sensory limitations. Existing legal instruments, such as Government Regulation No. 13 of 2020 on Reasonable Accommodation for Learners with Disabilities, clarify the responsibilities of educational institutions in adapting teaching methods, ranging from the provision of technology-enabled devices to flexibility in exam administration.

Government Regulation No. 13 of 2020 on Reasonable Accommodation for Learners with Disabilities is an important part of Indonesia's legal reforms aimed at creating inclusive education. This regulation clarifies the role of educational institutions in providing appropriate facilities and teaching methods for learners with disabilities. As part of this legal framework, educational institutions in Indonesia have the responsibility to adapt their education systems so that learners with special needs can learn and participate actively without barriers. One of the main aspects regulated in this regulation is the provision of technological devices that support the learning process. This can include assistive devices such as software or hardware that help learners with physical, hearing or visual impairments. The use of such technology not only aims to facilitate access to learning materials, but also to increase interaction and participation in the educational environment.<sup>35</sup> For example, software that supports text-to-voice processing, or specialized keyboards for people with physical disabilities, could be practical solutions required by educational institutions in accordance with the mandate of this regulation.

In addition to technology, flexibility in exam implementation is also a major focus in Government Regulation No. 13 of 2020. Academic examinations and assessments that have been standardized must now be adjusted to be more inclusive. For example, learners with disabilities are entitled to extra time when taking exams, or are given exam formats that are more suitable for their physical or sensory conditions. This flexibility is an important step to ensure that all learners can be assessed fairly, based on their academic ability, not on their physical limitations. Furthermore, this regulation also emphasizes the importance of a welcoming and inclusive learning environment at all levels of education. In addition to adapted physical infrastructure, educational institutions are expected to have policies that encourage the acceptance and active participation of people with disabilities in every aspect of academic activities.<sup>36</sup> Thus,

<sup>&</sup>lt;sup>34</sup> Triningsih, A. (2017). Politik Hukum Pendidikan Nasional: Analisis Politik Hukum dalam Masa Reformasi. *Jurnal Konstitusi*, *14*(2), 332–350.

<sup>&</sup>lt;sup>35</sup> Manalu, N., Anggusti, M., & Simamora, J. (2021). Kepastian Hukum Manfaat Pensiun Menurut Undang-Undang No. 13 Tahun 2003 Dengan Undang-Undang Cipta Kerja No. 11 Tahun 2020 Klaster Iv Dan Peraturan Pemerintah No. 45 Tahun 2015. *Nommensen Journal of Legal Opinion*, 252–267.

<sup>&</sup>lt;sup>36</sup> Utami, W. B., Wedi, A., Aulia, F., & others. (2022). Implementasi kebijakan merdeka belajar dalam penguatan profil pelajar pancasila. *Wacana Akademika: Majalah Ilmiah Kependidikan*,  $\delta(3)$ , 285–294.

not only technical aspects such as technology and exam administration are regulated, but also a comprehensive approach to inclusivity in educational institutions. This reform is in line with Law No. 8 of 2016 on Persons with Disabilities, which emphasizes that accessibility in education must be guaranteed, from infrastructure to inclusive teaching methods.

Government Regulation No. 13 of 2020 reinforces the responsibility of educational institutions in creating an inclusive and adaptive learning environment. Educational institutions in Indonesia are obliged to comply with this regulation by providing adequate facilities and flexibility in teaching methods and academic assessment, which ultimately aims to guarantee equal education rights for all learners.<sup>37</sup> As such, the current legal reforms should focus on two main pillars, namely the provision of inclusive infrastructure and adjustments to the curriculum and teaching methods to suit special needs. These two pillars are expected to be able to bridge the gap in access to higher education, so that all citizens can enjoy their right to a decent and equal education, as mandated by Indonesian law. Government Regulation No. 13 of 2020 on Reasonable Accommodation for Learners with Disabilities is one of the concrete forms of legal reform in Indonesia aimed at creating an inclusive education system. This regulation emphasizes the responsibility of educational institutions to ensure that people with disabilities can enjoy the same educational rights as other learners. Educational institutions are required to provide adequate facilities so that no physical barriers prevent learners from participating in the learning process. This responsibility is not only moral, but is set out in a binding legal framework, so that educational institutions that do not comply can be sanctioned.<sup>38</sup>

One important aspect of this regulation is the obligation for educational institutions to create an adaptive and responsive environment to the needs of learners with disabilities. Law No. 8 of 2016 on Persons with Disabilities already provides a legal basis for the provision of disability-friendly facilities, such as building accessibility, supporting facilities and other infrastructure that supports people with disabilities. This is in line with the principle of equality mandated in the 1945 Constitution Article 31 which emphasizes that every citizen has the right to education.<sup>39</sup> Therefore, the provision of facilities such as ramps, special elevators, and assistive technology is an obligation that must be fulfilled by every educational institution in Indonesia. this regulation also requires flexibility in teaching methods. Government Regulation 13 of 2020 specifically states that educational institutions must provide adaptive teaching methods, which can include adjustments in the way materials are delivered and the use of assistive technology for learners with disabilities. For example, the provision of learning materials in audio or text formats accessible by screen reader software, or the

<sup>&</sup>lt;sup>37</sup> Sartika, D. (2020). Manajemen Pendidikan Tinggi Islam (Upaya Mereposisi dan Merekonstruksi Lembaga Pendidikan Tinggi Islam di Era Globalisasi). *Southeast Asian Journal of Islamic Education Management*, *1*(2), 177–194.

<sup>&</sup>lt;sup>38</sup> Fikri, A., Kartika, A. W., & Purwanto, A. M. D. C. (2023). Peraturan Konstitutif Pemenuhan Hak Pekerjaan dan Ketenagakerjaan Penyandang Disabilitas: Pasca Terbitnya Undang-Undang Nomor 11 Tahun 2020 Tentang Cipta Kerja. *INKLUSI*, *10*(1), 23–48.

<sup>&</sup>lt;sup>39</sup> Sira, N. F., Sudirman, S., & others. (2024). Problematika Pembelajaran Pendidikan Agama Islam pada Anak Berkebutuhan Khusus Tunadaksa di SLB Negeri 1 Palopo. *Jurnal Pendidikan Refleksi*, *13*(2), 303–314.

use of sign language in the teaching process.<sup>40</sup> This shows that the regulation does not only focus on the physical aspects, but also on how learners can access and understand the material being taught. Educational institutions must be prepared to adapt teaching methods according to the individual needs of learners.

The regulations also require flexibility in the academic assessment system. Learners with disabilities may need adjustments in exam formats and duration to be able to take assessments on an equal basis with other learners. Educational institutions should be able to adjust the assessment system, such as allowing extra time in exams or providing exams in a format that is more suitable for the learner's condition. This is important to ensure that assessments are fair and objective, and do not marginalize learners simply because of their physical condition. Government Regulation 13 of 2020 not only strengthens the responsibilities of education institutions, but also forms the foundation for a more inclusive and adaptive education system. Educational institutions in Indonesia are not only required to comply with this regulation in the provision of physical facilities, but also in the learning process and academic assessment.<sup>41</sup> This legal reform is a step forward that aims to ensure that every learner, regardless of physical or sensory limitations, can enjoy equal rights to education in accordance with the Indonesian constitution and laws.

The provision of specialized support for people with disabilities in higher education institutions is an essential step to ensure that they can enjoy an equal learning experience with other students. Legal reforms play an important role in regulating the obligation of educational institutions to provide specialized support services that meet the needs of people with disabilities, including tutors, assistive technology devices, and academic assistance services. With these services in place, students with disabilities can optimally access education, without facing barriers related to their physical or sensory limitations.<sup>42</sup> In the Indonesian context, Law No. 8 of 2016 on Persons with Disabilities explicitly regulates the provision of support services for persons with disabilities in the education sector. Article 42 of the law recognizes the right of persons with disabilities to inclusive education and access to educational facilities and infrastructure, including adequate support services. Educational institutions are required to provide support facilities that enable persons with disabilities to fully participate in the teaching and learning process. This specialized support can include various forms of assistance. One important form of support is the provision of tutors or teaching assistants who can help students with disabilities understand the subject matter, especially when they need additional assistance due to physical or sensory limitations.<sup>43</sup> For example, students with visual disabilities may need the assistance of a

<sup>&</sup>lt;sup>40</sup> Wahyudi, S. M. (2021). Manajemen kurikulum adaptif dalam meningkatkan efektifitas pembelajaran di sekolah dasar. *MANAGERE: Indonesian Journal of Educational Management*,  $\mathcal{J}(1)$ , 107–118.

<sup>&</sup>lt;sup>41</sup> Muslim, A. B. (2020). Character education curriculum in the government of Indonesia strengthening character education program. *JIEBAR: Journal of Islamic Education: Basic and Applied Research, 1*(2), 137–153.

<sup>&</sup>lt;sup>42</sup> Puspitosari, W. A., Satria, F. E., Surwati, A., & others. (2022). Tantangan Mewujudkan Kampus Inklusi di Pendidikan Tinggi dalam Telaah Literatur. *Jurnal Moral Kemasyarakatan*,  $\chi(1)$ , 55–67.

<sup>&</sup>lt;sup>43</sup> Putra, D. D., & Gunawan, H. (2022). Pelaksanaan Pendidikan Tinggi bagi Penyandang Disabilitas di UIN Sulthan Thaha Saifuddin Jambi. *Journal of Dissability Studies and Research (JDSR), 1*(1), 37–46.

tutor who is able to provide additional explanations or read out materials that are not accessible through assistive reading devices. assistive technology devices are also a key element in supporting students with disabilities. Assistive technology includes screen reader software for blind students, assistive listening devices for deaf students, and devices that facilitate the accessibility of digital materials. These technologies allow students to access learning materials independently, so that they can learn more effectively and at par with other students.

# 4. CONCLUSION

Indonesia's constitutional law reforms aim to ensure equal accessibility of higher education for persons with disabilities through inclusive and nondiscriminatory policies. The ratification of the Convention on the Rights of Persons with Disabilities, as well as the implementation of regulations such as Law No. 8 of 2016 on Persons with Disabilities and Government Regulation No. 13 of 2020, affirm the state's commitment to providing legal guarantees and ensuring that persons with disabilities have access to appropriate physical facilities, curricula and teaching methods. These reforms are important steps towards creating a more inclusive higher education system, where the rights of people with disabilities are protected and effectively implemented, so that they can participate equally in education.

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