



## Accessibility of Persons With Disabilities to Study in Higher Education Institutions

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Received : August 26, 2021

Accepted : January 15, 2022

Published : January 31, 2022

**Citation:** Sukirno., Premchaiporn, N(2022). Accessibility of Persons With Disabilities to Study in Higher Education Institutions. *Ilomata International Journal of Social Science*, 3(1), 74-83.

<https://doi.org/10.52728/ijss.v3i1.414>

**ABSTRACT:** The Indonesian government has prohibited universities from refusing students with disabilities to study in universities. This is clearly stated in the Regulation of the Minister of Research and Technology - Higher Education, Number 46 of 2017 concerning Special Education and Special Service Education in Higher Education. But unfortunately, there are still many universities that refuse to accept persons with disabilities to study in their educational institutions. This study is intended to answer the question why universities reject special needs students and what the best solutions are so that special needs students can gain access to study in higher education. This is a qualitative research with a phenomenological approach because it describes a specific, profound phenomenon and obtains the essence of the participants' life experiences at a particular phenomenon. Data was collected through semi-structured interviews with 20 special needs students who graduated from Special Schools who experienced rejection when applying to college. The results of this study indicate that universities need to consider four aspects in managing their programs in order to create inclusiveness in their educational institutions, namely Availability, Accessibility, Acceptability, and Adaptability. In addition, stricter supervision is needed to impose sanctions on universities that reject persons with disabilities.

**Keywords:** Accessibility, persons with disability, higher education institution.



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## INTRODUCTION

The Convention on the Rights of Persons With Disabilities/CRPD which has been ratified by almost all countries in the world, including Indonesia, is a historic milestone as well as the beginning of a revival in the protection of the rights of persons with disabilities ([Dassah et al., 2018](#)). In this Convention, the rights of persons with disabilities are both general rights and general rights and specifications of persons with disabilities ([Hanga et al., 2017](#)). This

convention also regulates the obligation of each country to fulfill the rights of persons with disabilities which can be adapted in the form of policies on a national scale, creating an inclusive environment for persons with disabilities. This convention also emphasizes the importance of providing reasonable accommodation and accessibility for persons with disabilities both in the physical and non-physical sectors ([Nasution & Marwandianto, 2019](#)). On October 18, 2011, Indonesia has ratified the CRPD through Law No. 19 of 2011. Law No. 19/2011 later became the legal umbrella for the equal rights of every citizen with a disability ([Ndaumanu, 2020](#); [Shaleh, 2018](#)).

One of the basic rights that become fundamental for persons with disabilities is the right to obtain education, in order to have the same opportunities as citizens so that the opportunity to receive education according to their abilities and desires without being discriminatory is the main factor in building a scientific productive paradigm for people with disabilities ([Triutari, 2014](#)). Unfortunately, until now, special needs people still have difficulty in obtaining opportunities to study in formal education, especially at the university level. Some time ago a prospective student with disabilities was rejected by a teacher education school in Sulawesi . The reason is that a blind person cannot become a teacher. However, in the end, the prospective student was accepted into an English Literature program at another university in the same province ([Wahyuni, 2019](#)).

The Indonesian government has prohibited universities from refusing special needs students to study in universities. This is clearly stated in the Regulation of the Minister of Research and Technology - Higher Education, Number 46 of 2017 concerning Special Education and Special Service Education in Higher Education. This law is the basis for the opening of access for persons with disabilities to have the opportunity to study in higher education ([Saputri, 2019](#)).

From the various problems above, this research is aimed at answering the questions: (1) Why do universities reject people with disabilities, (2) What is a good solution so that people with disabilities get access to study in higher education. The results of this study will contribute to universities so that they are well prepared to accept students with disabilities. The results of this study will also provide input for the government in carrying out stricter supervision of universities and imposing sanctions for universities that refuse people with disabilities.

#### Definition of persons with disabilities

The Indonesian Dictionary defines persons with disabilities as people who suffer from something and experience conditions that limit a person's physical and mental abilities, in this case the inability to do things the way other people usually do ([Pertiwi et al., 2020](#)). Regarding disability, The International Classification of Impairment, Disability and Handicap provides 3 definitions, namely impairment, disability, and handicap ([International Labour Organization, 2013](#); [World Health Organization, 2015](#)). What is meant by impairment is loss or abnormality of psychological, physiological or anatomical structure or function ([Centers for Disease Control and Prevention, 2020](#)). Meanwhile, what is meant by disability is a limitation or loss of ability (as a result of impairment) to perform an activity in a way or within limits that are considered normal for a human being ([Beatty et al., 2019](#)). Handicap is a loss for certain individuals, as a

result of an impairment or disability, which limits or hinders the performance of a normal role. But this also depends on age, gender, and social or cultural factors ([Angeloni, 2013](#)).

The definition of persons with disabilities can also be seen from the inability of a person to guarantee himself or herself due to their disability, which includes physical or mental abilities, whether innate or not, as stated in UN Resolution Number 61/106 dated December 13, 2006. Definition of persons with disabilities in Indonesian law has undergone several changes. Law Number 4 of 1997 states that any person who has a physical or mental disorder that can hinder his activities or everything he does. This type of disorder is categorized into 3 types, namely people with physical disabilities, people with mental disabilities and people with physical and mental disabilities ([Nursyamsi et al., 2015](#); [Wahyuni, 2019](#)).

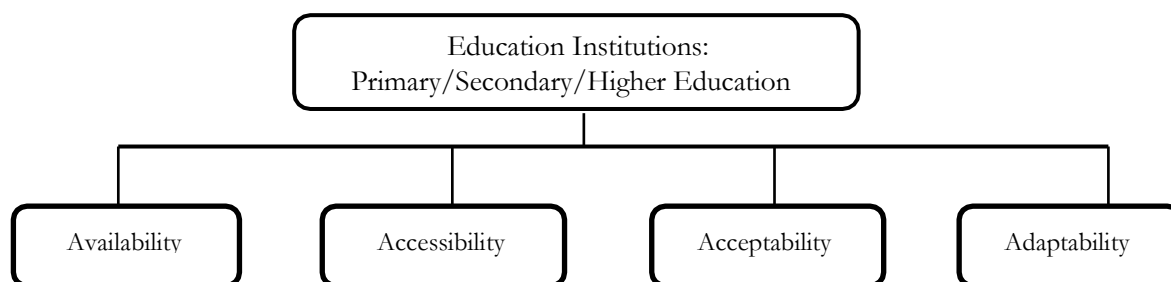
In its development, Law Number 39 of 1999 concerning Human Rights, described persons with disabilities as a group of people who must receive protection according to their specificity. In this case, people with disabilities are also grouped as vulnerable people. In 2009 Law Number 11 of 2009 concerning Social Welfare was issued which states that people with disabilities have social criteria and in this Law people with disabilities are classified as people who are less worthy in terms of life ([Budiyati et al., 2020](#)). The next policy which is an improvement from the previous regulation is Law Number 8 of 2016 concerning Persons with Disabilities ([Gerak Inklusi, 2021](#)). In this new law, persons with disabilities are any person who experiences physical, intellectual, mental, and or sensory limitations for a long period of time who in interacting with the environment may experience obstacles and difficulties to participate fully and effectively with other citizens based on equality right ([Ardi & Meidiasari, 2020](#)).

#### Access of Persons with Disabilities to higher education

Individuals with special needs include minority populations who are vulnerable to discrimination in every aspect of life ([Mahabbati, 2014](#)). The Commission on Human Rights United Nations, special rapporteur on the right to education, stated four essential features that need to be considered both for primary education, secondary education, and higher education in creating inclusiveness. In point 6 of General Comment E/C.12/1999/10, 8 December 1999, the four characteristics are:

Figure 1

Characteristics that must be considered in creating inclusiveness in educational institutions



Source : ([Saputri, 2019](#))

(a) Availability or the availability of educational institutions and programs that can be attended

by persons with disabilities, (b) Accessibility, which emphasizes three important things, namely non-discrimination in carrying out educational programs, must be accessible to the location or area where the place of learning is located both in terms of distance, infrastructure or technology and educational costs that can be reached by all people, (c) Acceptability, which must be accepted by everyone, namely the form, substance, curriculum and teaching methods, (d) Adaptability, in this case the management of education must be adaptable, so that able to adapt to the cultural needs and traditions of diverse communities ([Saputri, 2019](#)).

People with disabilities in Indonesia, especially in the field of education, can be said to be still very lagging behind. There are still many existing educational institutions, both public and private universities that have not paid attention to the problem of students with disabilities and have not fully understood the Law on Persons with Disabilities No. 8/2016 and Law No. 20/2003 concerning the National Education System and Government Regulation No.43/1998. Many people with disabilities are hampered by their education due to limited access, limited access to education, especially higher education. They have difficulty when they have graduated from Special School ([Paikah, 2017](#); [Pramesty, 2020](#); [Putra, 2020](#)).

One of the causes is the standardization of procedures and routines that shackle public services ([Lindqvist & Lamichhane, 2019](#)). Public service providers often interpret community needs incorrectly. For example, when providing services to people with disabilities, of course, public services must also understand how to provide services that can accommodate the needs of people with disabilities who are different from other population groups ([Mutwali & Ross, 2019](#)). The implementation of higher education must be able to side with vulnerable groups and be able to control the quality of higher education as emphasized in Article 6 letters i and j of Law no. 12 of 2012 concerning Higher Education, hereinafter referred to as the Higher Education Law ([Cho & Kim, 2021](#)).

The readiness of Indonesian universities to receive and manage education for students with special needs has been stated in the Regulation of the Minister of Research, Technology and Higher Education No. 46 of 2017 concerning Special Education and Special Service Education (hereinafter referred to as Minister of Higher Education Decree of Special Education and Special Service Education) and Guidelines for Services for Students with Disabilities in Higher Education ([Septiana & Effendi, 2019](#)). The Minister of Higher Education Decree and Guidelines are good initiatives carried out by the Government of Indonesia in the context of implementing the right to higher education for persons with disabilities and this is also a standard indicator for educational institutions in providing minimum service standards in the field of educational services for persons with disabilities ([Muhibbin, 2021](#)).

## **METHOD**

This research is a qualitative research with a phenomenological approach. This phenomenology comes from the philosophy that surrounds human consciousness which was initiated by Edmund Husserl (1859-1938) a German philosopher ([Asih, 2014](#)). Initially this theory was used in the social sciences. According to Husserl, there are several definitions of phenomenology, namely: (1) subjective or phenomenological experience, and (2) a study of consciousness from the main perspective of a person ([Wattimena, 2020](#)). The general focus of this research is to

examine/examine the essence or structure of experience into human consciousness ([Tuffour & Boateng, 2017](#)). The main focus of this phenomenological study is the meaning of various experiences, events, and statuses held by participants. This study also seeks to explore personal experiences and focus on individual perceptions or opinions about experiences with objects or events

The definition of phenomenology is also expressed by several experts and researchers in their studies. Phenomenology is a qualitative methodology that allows researchers to apply and apply their subjectivity and interpersonal skills in the exploratory research process ([Alase, 2017](#)). Qualitative research is a study that is interested in analyzing and describing the experience of an individual phenomenon in the everyday world ([Eddles-Hirsch, 2015](#)). In this study, the researcher uses a phenomenological approach because it is very in line with the characteristics of the study carried out, namely to understand and describe a specific, profound phenomenon and obtain the essence of the participants' life experiences in a phenomenon ([Yüksel & Yıldırım, 2015](#)).

In this study, researchers used semi-structured interviews. This type of interview is included in the in-depth interview category, where in its implementation it is more free when compared to structured interviews. The purpose of this type of interview is to find problems openly, where the parties invited to the interview are asked for their opinions, ideas ([Creswell, 2017](#)). A total of 20 persons with disabilities were interviewed in this study. The twenty informants were those who were refused to study at the time of registration.

The analysis technique used in this research is Interpretative Phenomenological Analysis (IPA). There are several stages in science, namely: (1) reading and re-reading, (2) initial noting, (3) developing emergent themes, (4) searching for connections across emergent themes, (5) moving the next cases, and (6) looking for patterns across cases ([Bayir & Lomas, 2016](#)).

## RESULTS AND DISCUSSION

The results of interviews with 20 people with disabilities who were not accepted by universities show that there are still many educational institutions that do not understand the Regulation of the Minister of Research, Technology and Higher Education No. 46 of 2017 concerning Special Education and Special Service Education. With this regulation, there should be no more reason for universities to reject persons with disabilities.

### (1) Availability

From the 20 persons with disabilities interviewed, data related to the study programs that special school graduates were interested in were obtained, namely:

Figure 2  
Study programs that are of interest to children with special needs

Interested Study Program	Number	Disabilities
Law	6	Hearing Impairment
	3	Visual Impairment
English	3	Visual Impairment
	2	Hearing Impairment
French	2	Visual Impairment
Japanese	2	Visual Impairment
Architecture	2	Hearing Impairment

“When I graduated from the Special School, I immediately applied to a private university near my house. I wanted to continue my studies at the law faculty, but unfortunately the university refused on the grounds that it would be difficult for a deaf child like me to attend college because the campus did not provide sign language interpreters. Then I applied to another university. However, more than 5 universities gave the same answer, namely there is no sign language interpreter. Thus, I feel that the campus cannot accommodate the wishes of children with special needs to study in college.” (RU- 20 years old).

This is in stark contrast to Law No. 12/2012 concerning Higher Education which states that “The implementation of higher education must be able to side with vulnerable groups and be able to control the quality of higher education” (Article 6 letters i and j of Law No. 12 of 2012) .

(2) Accessibility

The results of interviews with Special School graduates show that universities use facilities and infrastructure as their reason for not accepting people with disabilities.

“I want to continue to the Japanese language program. I applied to a reputable university, but unfortunately it turned out that I was rejected because I am blind. The university reasoned that they did not have Braille source and teaching materials so that later it would be difficult for me to learn *kanji*, besides that there were also no teachers who could teach students with visual impairments.” (US- 21 years old)

This is in stark contrast to Law Number 39 of 1999 concerning Human Rights, which states that persons with disabilities have the same rights as other citizens in the country. Universities should be able to accommodate the needs of people with disabilities. The absence of teaching materials in Braille and lecturers who can teach students with visual impairments are the reasons that show that universities still do not have sensitivity to the rights of people with disabilities.



(c) Acceptability

The results of the interviews show that the education system that includes curriculum and learning methods has not been accepted by all groups.

“When I applied to a university and wanted to enter an English program, it turned out that I was rejected on the grounds that I was blind. Even though, I have convinced the officers that I am able to follow the lessons well, as evidenced by the scores on my report cards at the Special School which are always good. However, it turned out that I was still rejected.” (RE- 22 years old)

This is in stark contrast to the Regulation of the Minister of Research, Technology and Higher Education No. 46 of 2017 concerning Special Education and Special Service Education in which universities must be able to provide curriculum and learning methods that are acceptable to all people, including persons with disabilities, so that there is no longer any reason that universities reject students with disabilities assuming these students cannot attend the lessons at study program.

Adaptability

From the interview results, it is known that universities that should be able to manage their programs well and must be able to adapt to the needs of diverse cultures and traditions of society, in fact there are still many who do not implement it. Even universities tend to discriminate against people with disabilities by rejecting them and allowing prospective students with disabilities to look for other universities that can accept them.

“Universities as higher education institutions where intellectuals gather should be aware of being able to embrace people with disabilities in learning together. Universities must also be able to educate their entire academic community to appreciate differences, and create programs that can adapt to technological developments but can also be accepted by all groups of society from different cultural backgrounds.” (LR- 23 years old)

This is in stark contrast to the Regulation of the Minister of Research, Technology and Higher Education No. 46 of 2017 concerning Special Education and Special Service Education which states that the curriculum, learning methodologies, and all devices related to academic and non-academic students must be able to adapt to the needs of each student as well as diverse backgrounds and cultures.

## CONCLUSION

The results of this study indicate that until now there are still many people with disabilities who are rejected to study in tertiary institutions, even though the policy that prohibits universities from refusing people with disabilities already exists in the Law on Persons with Disabilities No. 8/2016, and Act No. 20 of 2003 pertaining to National Education System. Currently, the Minister of Research, Technology and Higher Education Regulation has issued a policy No. 46 of 2017 pertaining to Special Education and Special Service Education. Unfortunately, there is no body that specifically supervises educational institutions that refuse people with disabilities

to study. The government must immediately form a special team to oversee universities in Indonesia regarding the admission of persons with disabilities and if there are objections made, then appropriate sanctions must be applied. This research also shows that in creating their programs, there are still many universities that have not considered 4 aspects to create inclusiveness in educational institutions, namely Availability, Accessibility, Acceptability, and Adaptability. Therefore, it needs to be socialized so that universities can better understand how to apply the 4 aspects of institutional inclusivity. For future research, the researcher suggests that research on accessibility for persons with disabilities to universities should be conducted with a different approach.

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