

Academic Discrimination Against Persons with Disabilities in Higher Education

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Abstract

Higher education is expected to function as an inclusive and equitable space for all individuals, including persons with disabilities; however, academic discrimination persists in structural and cultural forms. Although Law Number 8 of 2016 guarantees the right to education, its realization raises critical theoretical concerns regarding the effectiveness of legal protection. This study aims to conceptualize academic discrimination in higher education and to examine the adequacy of existing legal frameworks from a theoretical perspective. Using normative legal research with statute and conceptual approaches, this study analyzes legal norms and relevant literature. The findings reveal a fundamental gap between formal legal guarantees and their realization, indicating structural limitations within the legal system. The theoretical novelty of this research lies in the development of a normative–conceptual framework that positions academic discrimination as a manifestation of structural inequality rather than merely a failure of implementation. By integrating human rights theory, the social model of disability, and legal effectiveness theory, this study highlights the need to move from a formalistic legal paradigm toward substantive equality in ensuring the rights of persons with disabilities.

Keywords: *Academic discrimination; Disability; Higher education; Legal protection.*

A. INTRODUCTION

Higher education, in principle, should be an inclusive space and provide equal opportunities for all citizens, including people with disabilities. However, in practice, students with disabilities still often face various forms of academic barriers, both structural and cultural. These barriers can include limited access to learning materials, a lack of adequate accommodations during lectures and exams, and a lack of readiness on the part of higher education institutions to provide an inclusive academic environment. This situation indicates that the practice of higher education is not yet fully aligned with the principles of equality and non-discrimination guaranteed by law.

Examples of possible discrimination include inaccessible learning materials, inadequate accommodations during exams, and higher education institutions that are not prepared to meet students' special needs (Ulfah, 2024). Constitutionally, the principle of equality before the law has been affirmed in Article 27 paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which states that every citizen has the same position before the law and government. In addition, Article 31 paragraph (1) of the 1945 Constitution of the Republic of Indonesia also guarantees that every citizen has the right to receive an education. This provision shows that the right to education is a constitutional right that must be granted to all citizens without exception, including people with disabilities.

Furthermore, guarantees for the fulfillment of the rights of persons with disabilities are specifically regulated in Law Number 8 of 2016 concerning Persons

with Disabilities. This law affirms that persons with disabilities have the right to receive a quality education at all types, pathways, and levels of education, including higher education. Furthermore, the state is also obliged to provide adequate accommodation and ensure the implementation of an inclusive education system for persons with disabilities. Thus, a legal framework governing the protection of educational rights for persons with disabilities is already in place.

However, various studies indicate that the implementation of this policy still faces several obstacles. Hamidi (2016) discusses legal protection for persons with disabilities in fulfilling their rights to education and employment in general, but does not specifically examine the forms of academic discrimination that occur in higher education environments. Meanwhile, Riyadi (2021) focuses more on the physical accessibility aspect of higher education and does not examine the issue of academic discrimination in depth from a legal protection perspective. Widjaja et al. (2020) also focus on fulfilling the rights of persons with disabilities in the employment sector, but do not specifically examine the issue of discrimination in the academic process in higher education. The right of persons with disabilities to receive high-quality education at all levels, including higher education, is explicitly guaranteed in Law Number 8 of 2016 concerning Persons with Disabilities (Michael, 2020).

Despite the increasing attention given to the rights of persons with disabilities in higher education, previous studies have generally focused on normative legal frameworks and policy analysis. However, there is still limited discussion regarding

the practical implementation of these regulations and the real academic challenges faced by students with disabilities in higher education institutions. This indicates a gap between legal guarantees and actual conditions in the field. Therefore, this study aims to examine more deeply the forms of academic discrimination and barriers experienced by students with disabilities, as well as to analyze how far higher education institutions have implemented inclusive education principles in practice.

Previous research has been able to include research on academic discrimination in the tertiary education sector, but some of it has not met the specific scope. (Hamidi, 2016) analyzes legal protection for people with disabilities in fulfilling their educational and career rights as a whole, but does not examine the aspect of discrimination in the educational process at universities. On the other hand, the accessibility of higher education for people with disabilities in Yogyakarta has been discussed by (Riyadi, 2021), but this research tends to focus on physical and infrastructural aspects rather than examining cases of academic discrimination from a normative perspective. Meanwhile, research by (Widjaja et al., 2020) Instead, the focus is on the rights of people with disabilities in the workplace, resulting in a lack of comprehensive evaluation of the academic landscape of higher education. Although Law Number 8 of 2016 concerning Persons with Disabilities mandates the provision of accessibility and protection of the rights of people with disabilities, its implementation still requires strengthening. Based on the background describe above, the research on this study is to what extent is Law number 8 of 2016 effective

in providing legal protection against academic discrimination towards students with disabilities in higher education?

B. RESEARCH METHODS

This study employs normative legal research focusing on legal norms related to the protection of the rights of persons with disabilities. The analysis is prescriptive to assess whether existing legal provisions adequately regulate and protect these rights in higher education, particularly in addressing academic discrimination. This research uses a statute approach by examining relevant legal instruments, including the 1945 Constitution, Law Number 8 of 2016, Law Number 20 of 2003, and the CRPD ratified through Law Number 19 of 2011, as well as a case-based approach derived from literature study by analyzing documented cases from secondary sources. The legal materials consist of primary and secondary sources collected through literature study and analyzed using a prescriptive-qualitative method to identify gaps in legal protection and provide recommendations.

C. RESULTS AND DISCUSSION

To further examine the forms of academic discrimination against persons with disabilities in higher education, it is important to understand that inclusive education is part of the fulfillment of human rights. From a human rights law perspective, education is understood not only as a public service but also as a fundamental right that must be fulfilled by the state without discrimination. This principle aligns with the Convention on the Rights of Persons with Disabilities (CRPD), which Indonesia ratified through Law Number 19 of 2011. This principle aligns with the Convention

on the Rights of Persons with Disabilities (CRPD), which Indonesia ratified through Law Number 19 of 2011. The Convention affirms the state's obligation to ensure an inclusive education system at all levels.

Disability issues are not only understood as a physical or mental limitation experienced by individuals, but also relate to how the social environment provides equal access and opportunities. In disability studies, two main approaches are recognized: the medical model and the social model. The medical model views disability as a condition stemming from an individual's impairment or limitation that requires medical or rehabilitation approaches. Conversely, the social model views the primary barriers for people with disabilities as environmental, such as lack of accessibility to public facilities, social stigma, and policies that are not fully inclusive. Based on the social model perspective, disability should be understood as the result of interactions between individuals and environments that do not provide adequate access. From a human rights perspective, the right to education for persons with disabilities should not be seen merely as a formal obligation, but as a substantive effort to ensure equality and non-discrimination. This means that the state must actively remove structural barriers that limit access and participation in higher education, as required by the principles of the CRPD. This view is supported by previous studies showing that barriers in higher education are largely systemic, such as limited accessibility and lack of institutional support. From a legal policy perspective, although Indonesia has established regulations through Law Number

19 of 2011 and Law Number 8 of 2016, their implementation still needs to be strengthened to ensure inclusive education in practice.

Therefore, efforts to improve the welfare of people with disabilities should not only focus on individual rehabilitation but also on improving social systems, such as providing disability-friendly facilities, inclusive education, and policies that guarantee equal rights. Therefore, a rights-based approach is crucial in strengthening efforts to protect and empower people with disabilities in society. Education is one of the rights of people with disabilities as stated in Article 5 paragraph (1) letter e which emphasizes that a country has an obligation to ensure that people with disabilities have equal access to education without experiencing any discrimination.

The right to education for people with disabilities includes the right to:

1. Receive a quality education at all types, pathways, and levels of education through inclusive education and special education. These educational services are specifically designed for students with disabilities, utilizing an appropriate curriculum, specialized teaching methods, and support from educational institutions with expertise in disability education. This provision demonstrates that the national education system is expected to accommodate the diverse needs of students through an inclusive and adaptive educational approach.
2. Obtaining equal opportunities to become teachers or teaching staff in the field of education. This regulation shows that people with disabilities are not

only positioned as recipients of educational services, but also subjects who have the right to actively participate in the provision of education.

3. Having equal opportunities as providers of quality education [there are various educational units in all types, pathways, and levels of education. The state also needs to take appropriate steps in employing teaching staff, including people with disabilities who are proficient in sign language or braille, as well as providing training to education professionals and staff at various levels of education on disability awareness, the use of accessible communication tools, and appropriate teaching techniques and materials. This demonstrates the importance of the state's role in building an education system that is responsive to the needs of people with disabilities.
4. Receive appropriate accommodations as a student. Accommodations are adjustments necessary to ensure that people with disabilities can participate optimally in the educational process without experiencing discriminatory barriers.

As stated in Article 40 paragraph (2), the central and regional governments are obliged to provide facilities for people with disabilities to learn the skills needed to achieve independence and also participate in educational and social activities. These skills include several things, such as:

1. The ability to read and write in braille, especially for people with visual impairments, as well as the provision of textbooks in braille format and teachers who are skilled at using it.

2. Orientation and mobility skills that help people with disabilities navigate and move independently.
3. Instructional systems and environments that can assist students with disabilities during learning.
4. Ability to communicate through various augmentative or alternative communication methods.
5. Efforts to support the linguistic identity of people with disabilities through the use of sign language, such as Bisindo.

To implement educational policies for persons with disabilities, the government, educational institutions, and society must be strongly committed to building an education system that allows persons with disabilities to fully participate in the educational process, as demonstrated by the regulation. Furthermore, the state is also responsible for providing access to education through the provision of various necessary facilities and support. In terms of equal rights and justice, legal protection for persons with disabilities in the academic system remains a challenge. It is crucial that the rights of persons with disabilities are fulfilled, including access to housing. The legal system has several regulations governing the rights of persons with disabilities, but many still fail to implement them. Discrimination against persons with disabilities in the academic process is one form of this inequality.

Furthermore, the lack of human resources who understand the needs of persons with disabilities also poses a challenge to realizing a fair and inclusive

academic process for persons with disabilities. Therefore, more serious efforts are needed to create a fairer and more inclusive academic system for people with disabilities. Although a legal framework governing the protection of the rights of persons with disabilities is in place, various studies indicate that its implementation still faces a number of challenges. Research by Riyadi (2021) shows that the implementation of inclusive higher education is still hampered by limited accessibility facilities, a lack of teaching staff familiar with inclusive learning methods, and suboptimal institutional policies supporting students with disabilities. Furthermore, Muhibbin and Hendriani (2021) also found that there remains a gap between inclusive education policies stipulated in legislation and practices in higher education settings. Academic discrimination against people with disabilities in higher education doesn't always occur in a harsh or overt manner. In some cases, discrimination manifests itself structurally and systemically in policies, curriculum design, and campus culture, indirectly eliminating students' special needs. In the context of Indonesian higher education, there are at least four types of academic discrimination that are most commonly encountered.

1. Discrimination in the New Student Admission Process

For the most part, the university entrance selection process does not meet the needs of people with disabilities. This includes the format of the questions, the length of the test, and the availability of assistive technology such as screen scanners for the visually impaired, even before the learning

process begins. This situation has the potential to create disparities (Muhibbin, M.A., & Hendriani, 2021). This indicates that the principle of reasonable accommodation is not implemented from the admissions stage, which is contrary to the provisions of Article 10 of Law Number 8 of 2016 concerning Persons with Disabilities. In the national context, guarantees for the educational rights of people with disabilities are regulated in more detail in Law Number 8 of 2016 concerning Persons with Disabilities. This law affirms that people with disabilities have the right to receive a quality education free from discrimination in all pathways, types, and levels of education. This demonstrates that Indonesia has a sufficiently comprehensive legal framework to guarantee access to education for people with disabilities.

2. Discrimination in Curriculum Design and Learning Methods

Some universities and colleges still implement a uniform curriculum without considering the diversity of student abilities. Students with disabilities face challenges with inaccessible learning materials. This includes materials not being available in audio, braille, or alternative text formats, as well as learning methods that are not tailored to their needs. (Puspitosari, W. A., Satria, F. E., & Surwati, 2022). Furthermore, the digital learning content provided by the campus remains largely inaccessible. For example, there is no alt text for images or subtitles for lecture videos. As a result, students with sensory disabilities will struggle to follow all the learning processes. (Hakim et al., 2026).

3. Discrimination in Teaching Staff Competence

Lecturers, who are solely responsible for the learning process, sometimes lack a clear understanding of how to inclusively teach students with disabilities. This situation stems from the lack of systematic teaching staff training policies in higher education institutions. (Ningarumsari, R. J., Ailya, A., Wasliman, E. D., & Wasliman, 2026). Although Article 42 paragraph (3) of Law Number 8 of 2016 stipulates that higher education institutions that organize educational programs must include inclusive education courses in the curriculum, this has not been done effectively in the field.

4. Discrimination, Social Stigma and Exclusion of Academic Activities

Students with disabilities are often seen as a burden in group activities. As a result, they tend to be marginalized when speaking in class and working collaboratively. This stigma doesn't just arise; it's the result of poor inclusive character education and a lack of awareness about disabilities on campus. (Annisa & Jofipasi, 2025). At this point, discrimination is both cultural and structural, and the two reinforce each other.

People with disabilities also frequently experience obstacles in the academic process, often due to the lack of appropriate assistance or communication methods. These obstacles indicate a significant gap between legal policies and their implementation. Furthermore, the lack of human resources who understand the needs of people with disabilities also poses a challenge to realizing a fair and inclusive academic process for people with disabilities. Therefore, more serious

efforts are needed to create a more just and inclusive academic system for people with disabilities. The Indonesian government has actually demonstrated its commitment to protecting the rights of persons with disabilities by ratifying the CRPD (Convention on the Rights of Persons with Disabilities) through Law Number 19 of 2011, a legally binding UN international treaty to promote, protect, and guarantee the full enjoyment of human rights by persons with disabilities. The main objective is to eliminate barriers and to ensure that persons with disabilities have equal rights in all areas, including education, health, and employment. As stated in Article 1 paragraph (1) of Law Number 8 of 2016 concerning Persons with Disabilities, it is explained that disability is a condition where persons with disabilities have long-term physical, mental, intellectual, and sensory limitations. This condition can cause difficulties in carrying out activities and interacting freely due to congenital abnormalities, injuries, or illnesses. Recognition of persons with disabilities as legal subjects who have equal rights is an important basis in guaranteeing access to various public services, including education. In terms of education, Indonesia has guaranteed it constitutionally and regulated it through laws and ministerial regulations. The anti-discrimination law for people with disabilities has been regulated in Law Number 8 of 2016 as follows :

1. Guarantee of the Right to Education for Persons with Disabilities in Law Number 8 of 2016 concerning Persons with Disabilities

Under Law Number 8 of 2016, persons with disabilities have the right to education, which must be fulfilled by the state. According to Article 10, persons

with disabilities have the right to receive high-quality education at all types, pathways, and levels of education, both inclusively and specifically. This provision reflects the principles of the Convention on the Rights of Persons with Disabilities (CRPD), which was ratified by Indonesia through Law Number 19 of 2011. The CRPD stipulates that the state is responsible for ensuring that the education system at all levels is inclusive and non-discriminatory. Therefore, any academic barriers faced by persons with disabilities in higher education, whether structural or cultural, constitute a violation of rights protected by law (Priamsari, 2019).

2. Reasonable Accommodation and Disability Services Unit

As a follow-up to the normative guarantee, Law Number 8 of 2016 requires higher education providers to facilitate the establishment of Disability Service Units (ULD). (Rohmah, M., Lituhayu, D., & Setianingsih, 2020). Government Regulation Number 13 of 2020 concerning Appropriate Accommodations for Students with Disabilities further strengthens this responsibility technically. This regulation outlines the types of accommodations that must be provided based on the type of disability, ranging from adjusting learning methods and providing accessible materials to affirmative action during the admissions selection process. From a legal perspective, this situation demonstrates a gap between legal norms governing the protection of the rights of persons with disabilities and the implementation of policies at the educational institution level. This gap indicates that legal

protection for persons with disabilities in higher education is still not fully effective. Therefore, strengthening oversight mechanisms and more concrete institutional policies are needed so that the provisions of Law Number 8 of 2016 can be optimally implemented in higher education practices in Indonesia.

3. Sanction Mechanisms and Enforcement Problems

In the context of law enforcement, Law Number 8 of 2016 and Government Regulation Number 13 of 2020 share similarities in that they contain provisions for administrative sanctions for higher education institutions that fail to meet the requirements for establishing ULD and providing adequate accommodation. Penalties may include written warnings, termination of activities, suspension of permits, or even revocation of educational permits. However, this sanction enforcement system has proven ineffective in practice, as there is no supervisory body that regularly monitors higher education institutions' compliance with disability rights. (Priamsari, 2019).

4. Lack of Complaint Mechanism for Students with Disabilities

The limited accessibility of complaint channels for students with disabilities who experience academic discrimination is also a serious issue. Aggrieved students lack effective legal recourse to redress their rights in the absence of a clear, organized, and responsive complaint mechanism. This situation, therefore, fosters structural impunity, where violations continue to

occur without any real consequences for those responsible. While existing laws and regulations do mention dispute resolution mechanisms, they do not specifically address the internal complaint procedures that every university must have in place for cases of discrimination against students with disabilities. Therefore, implementing regulations requiring universities to provide accessible, transparent, and supportive complaint procedures for students with disabilities is an urgent need that policymakers must address immediately. (Fajar, 2025).

In international studies, the issue of academic discrimination against people with disabilities has been widely discussed from the perspective of human rights and inclusive education. Oliver (1990), through his social model of disability theory, asserted that the primary barriers experienced by people with disabilities are not solely due to an individual's physical condition, but rather to social structures that do not provide equal access. This perspective was later developed in studies of inclusive higher education, which emphasize the importance of transforming educational institutions to accommodate the diversity of student abilities. Barnes (2012) also shows that discriminatory practices in higher education often emerge indirectly through institutional policies, curriculum design, and academic evaluation systems that do not consider the needs of students with disabilities.

Another study by Moriña (2017) on the experiences of students with disabilities at European universities found that the primary barriers in higher education relate not only to physical access but also to the attitudes of lecturers, limited academic

accommodations, and a lack of systematic institutional support. These findings indicate that although many countries have legal frameworks supporting inclusive education, the implementation of these policies still faces various challenges in everyday academic practice. (Oktafian Abrianto & Hezron Sabar Rotua Tinambunan, 2025).

Compared with these international studies, studies on academic discrimination against people with disabilities in the context of higher education in Indonesia are relatively limited and tend to focus on physical accessibility or general inclusive education policies. Research specifically analyzing the forms of academic discrimination and the effectiveness of the national legal framework, particularly Law Number 8 of 2016 concerning Persons with Disabilities, is still scarce. Therefore, this study seeks to fill this gap by analyzing the practices of academic discrimination experienced by students with disabilities in higher education and evaluating the extent to which national legal instruments are able to provide effective protection against such discriminatory practices.

Internationally, cases of discrimination against students with disabilities in higher education have received significant attention in legal and academic discussions. One well-known case occurred in the United States, *Guckenberger v. Boston University* (1997). In this case, students with learning disabilities sued the university for academic policies that failed to provide reasonable accommodations. The court ruled that the university was obligated to provide appropriate academic adjustments in accordance with the Americans with Disabilities Act (ADA). This

decision established an important precedent, affirming that higher education institutions have a legal obligation to ensure equal access to education for students with disabilities.

A normative analysis of the regulations regarding the protection of persons with disabilities in Indonesia demonstrates a difference in approach between Law Number 8 of 2016 concerning Persons with Disabilities and the new Criminal Code (KUHP). Law Number 8 of 2016 explicitly prohibits discrimination against persons with disabilities and imposes criminal penalties on any party committing discriminatory acts. As stipulated in Article 130, perpetrators of discrimination can be subject to a maximum prison sentence of five years and/or a maximum fine of IDR 500,000,000.

Compared to countries such as the United States and the United Kingdom, Indonesian regulations have actually recognized the rights of persons with disabilities quite comprehensively through Law Number 8 of 2016. However, the differences lie in implementation and oversight mechanisms. In some countries, the obligation to provide adequate accommodations in higher education is accompanied by robust oversight mechanisms and clear complaint channels for students with disabilities. Meanwhile, in Indonesia, despite the availability of legal norms, policy implementation still faces various obstacles, such as limited facilities, limited understanding of inclusive education among teaching staff, and the suboptimal functioning of Disability Service Units in universities.

Meanwhile, the new Criminal Code, enacted through Law Number 1 of 2023, does not specifically address discrimination against persons with disabilities. The Criminal Code emphasizes general criminal offenses such as insults, unpleasant behavior, or abuse, which can be applied if these actions harm persons with disabilities. This situation indicates that protection for persons with disabilities is more of a *lex specialis*, specifically regulated in Law Number 8 of 2016.

Thus, in the context of law enforcement, the principle of *lex specialis derogat legi generali* is crucial to ensure that cases of discrimination against persons with disabilities are processed using the specific provisions of Law Number 8 of 2016 on Persons with Disabilities. Without implementing this principle, there is a risk that cases of academic discrimination will be processed solely under general criminal provisions that do not specifically protect the rights of persons with disabilities.

To address this issue, steps are needed to improve the justice system to make it more inclusive for persons with disabilities. One way is to revise existing laws to more specifically regulate protection mechanisms for persons with disabilities. Based on the discussion in this article, which focuses on Law Number 8 of 2016, a revision of this regulation is needed, supplemented by technical regulations that detail how persons with disabilities can obtain accommodations and accessibility for their rights and justice at every stage of the academic process.

The conflict between Law Number 8 of 2016 and the Criminal Code (KUHP) demands legal harmonization in a normative, structural, and religious-based

manner. For the Disability Law to be consistently applied by law enforcement, the principle of "Lex Specialis Derogat Legi Generali" needs to be supported by a clear and functional legal instrument, such as a Supreme Court Circular Letter (PERMA). (Novianti & Michael, 2023).

The first practical step is to develop national guidelines that address: the identification of victims with disabilities, witness examination methods, adaptation of evidence to the characteristics of disabilities, and coordination between legal institutions (police, prosecutors, judges, and witness protection agencies). These guidelines will expedite case handling, prevent re-victimization, and form the basis of a training curriculum for law enforcement officers. (Amanda Putri dkk., 2024).

Strengthening the capacity of law enforcement agencies through ongoing training based on inclusion, human rights, and simulations of disability cases is also crucial. Establishing special units within legal institutions to handle cases of persons with disabilities can ensure sensitive protection and strengthen the principle of substantive equality.

Furthermore, the government needs to establish integrated monitoring mechanisms, such as a national database of cases of persons with disabilities and transparent annual evaluations, and ensure political commitment from policymakers, the executive branch, and the judiciary. Synergy between the government, civil society, and academia will foster the effective and inclusive implementation of Law Number 8 of 2016. (Haq et al., 2024).

Table 1
Comparison Table of Criminal Law Provisions

Law Number 8 of 2016	Criminal Code
1. Discrimination (Article 130): Imprisonment for a maximum period of 5 years and a fine not exceeding Rp500,000,000.00	Not specifically regulated
2. Insulting	Not specifically regulated Article 310: Imprisonment maximum 9 months or a fine not exceeding Rp.4,500,000
3. Persecution	Not specifically regulated Article 351: Imprisonment up to 2 years and 8 months

Source: Law Number 8 of 2016 and the Criminal Code

Based on the table, it can be seen that the regulations regarding criminal acts related to discrimination against persons with disabilities differ significantly between Law Number 8 of 2016 concerning Persons with Disabilities and the Criminal Code. In Law Number 8 of 2016, discrimination against persons with disabilities is regulated more specifically through Article 130, which carries a maximum penalty of five years' imprisonment and a maximum fine of IDR 500,000,000.00. However, the Criminal Code does not explicitly address discrimination against persons with disabilities. The Criminal Code only regulates several general acts, such as insults and assault, which can be imposed if an action is detrimental to persons with disabilities.

These differences demonstrate that Law Number 8 of 2016 is a more progressive legal instrument in regulating and protecting persons with disabilities, particularly from discriminatory acts. Therefore, the existence of this special law is

important to ensure that the rights of people with disabilities, including in the field of education, can be protected more effectively.

Universities sometimes allow academic discrimination against people with disabilities due to various underlying factors. The state has an obligation to ensure effective access to rights and justice for people with disabilities on an equal basis with the rest of society. Broadly speaking, Law Number 8 of 2016 concerning Persons with Disabilities provides extensive legal protection, including guaranteeing the right to education, the obligation to establish a Disability Service Unit, the provision of adequate housing, and the threat of administrative sanctions. Current legal protection is largely textual and does not fully protect students with disabilities due to the lack of oversight, active enforcement agencies, and easily accessible from internal complaint channels. From a human rights-based approach, this condition reflects a failure of the state to fulfill its obligations to respect, protect, and fulfill the right to education as a non-derogable right, as mandated under the CRPD and reinforced in national law.

The study found that academic discrimination against those with disabilities persists in higher education, especially in such matters as the application, application of curriculum, and teaching practice. This find indicates a structural gap between the protections of the normatitic law and its implementation in practice, which suggests that the existing law has not been able to guarantee the substantiated equality of those with certain disability. This finding is consistent with previous studies (Riyadi, 2021; Muhibbin & Hendriani, 2021) which also identify systemic barriers such as limited

accessibility, inadequate institutional support, and weak policy implementation, thereby confirming that the problem is structural rather than incidental. Furthermore, when viewed through the social model of disability and human rights theory, this gap demonstrates that discrimination arises not from individual limitations but from institutional and policy failures that do not accommodate diversity.

In accordance with the conclusions presented, several recommendations should be considered. The government should immediately strengthen technical regulations requiring every university to provide an easily accessible and responsive discrimination complaint system, as well as a regular and organized external monitoring system. From a legal policy perspective, this step represents the need to shift from a purely normative regulatory approach toward an enforceable regulatory framework that includes clear institutional mandates, measurable standards, and accountability mechanisms. The establishment and strengthening of ULDs in universities should be a serious institutional priority, not merely an administrative requirement. This includes systematically integrating inclusive education training for all teaching staff. For the academic community as a whole, there is a need to raise awareness of the rights of people with disabilities. This strategy needs to be implemented so that an inclusive campus culture can grow from within, not just be shaped by external laws.

It also requires the development of more binding and enforceable legal instruments, including clear sanctions and mekanisem accountability for wayward institutions. In the framework of legal policy reform, this implies the urgency of

strengthening derivative regulations, harmonizing Law Number 8 of 2016 with other legal instruments and ensuring the application of the *lex specialis* principle in enforcement practices, as highlighted in prior legal analyses (Novianti & Michael, 2023). Optimizing coordination between government and college is also important to ensure implementation with the city. By such measures, legal protection is expected to be no longer just formal and textual but can also be effectively and substantiated in its application.

D. CONCLUSION

The study found that academic discrimination against those with disabilities still occurs frequently in higher education, especially in terms of acceptance, application of the curriculum, and teaching practice. The findings find that there is a systemic and structural pattern of discrimination, not just incidental, so that it represents a normative law protection gap by execution in practice. This suggests that current laws have been unable to secure substantive equality for those with disabilities and demonstrate the failure of the formalistic and institutional divisions of formalizing legal norms into real protection.

This requires the development of more binding and enforceable legal instruments through obvious sanctions, institutional accountability mechanisms, and complaint procedures that oeh those with disabilities can access. The study recommends the implementation of special oversight units for each college that has authority in receiving complaints, conducting investigations, and enforcing administrative sanctions against discriminatory skippers. Additionally, depositors of a friendly digital complaint system for screen reader, sign language, and legal escort can also take steps to protect defenders

of discrimination from discrimination. That way, it is expected that legal protection is no longer strictly only formal and textual but could also be applied effectively and substantiated in practice.

REFERENCES

- Afifah, W., & Hadi, S. (2018). Hak pendidikan penyandang disabilitas di Jawa Timur. *DiH: Jurnal Ilmu Hukum*, 14(2), 85–101.
- Ajeng Alike Nur Azizah, Alisyah Nurya Putri, Mohammad Hikmal, Khaeriyah Khasanah, & Danial Yudira Nugraha. (2025). Inequality in Legal Protection for Persons with Disabilities in the Justice System: An Analysis of Implementation and Vague Norms. *Lex Favor Reo*, 1(1), 29–44. <https://doi.org/10.26740/lfr.v1i1.41376>
- Allo, E. A. T. (2022). Penyandang disabilitas di Indonesia. *Nusantara: Jurnal Ilmu Pengetahuan Sosial*, 9(3), 807–812.
- Annisa, R., & Jofipasi, R. A. (2025). Peningkatan Kesadaran Inklusivitas bagi Peserta Didik Melalui Edukasi Disabilitas. *JPPKh Lectura: Jurnal Pengabdian Pendidikan Khusus*, 3(1), 11–18.
- Budahu, M. A. S. I. (2022). Pemenuhan hak atas pendidikan tinggi terhadap penyandang disabilitas. *Jurnal Media Hukum*, 10(2), 65–75. <https://doi.org/10.59414/jmh.v10i2.509>
- Fajar, F. (2025). Aksesibilitas Penyandang Disabilitas Dalam Proses Pembelajaran Di Perguruan Tinggi Berdasarkan Kebijakan Hukum Dan Prinsip Universal Design For Learning. *Numbay: Jurnal Pengabdian Masyarakat*, 3(1), 22–38. <https://doi.org/10.53491/Numbay.V3i1.1781> ([doi.org in Bing](#))
- Gusman, D., Nazmi, D., & Syofyan, Y. (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.
- Hakim, I., Permadi, A. S., & Fitriyanto, M. N. (2026). Persepsi dan Tantangan Mahasiswa Disabilitas Terhadap Aksesibilitas dan Pengembangan Kompetensi Digital dalam Lingkungan Akademik. *Bitnet: Jurnal Pendidikan Teknologi Informasi*, 11(1), 1–7.
- Hamidi, J. (2016). Perlindungan Hukum terhadap Disabilitas dalam Memenuhi Hak Mendapatkan Pendidikan dan Pekerjaan. *Jurnal Hukum Ius Quia Iustum*, 23(4), 652–671.
- Indonesia. (2003). *Undang-Undang Nomor 20 Tahun 2003 tentang Sistem Pendidikan Nasional*. Jakarta: Sekretariat Negara.
- Indonesia. (2011). *Undang-Undang Republik Indonesia Nomor 19 Tahun 2011 tentang Pengesahan Convention on the Rights of Persons with Disabilities*. Jakarta: Sekretariat Negara.
- Indonesia. (2016). *Undang-Undang Republik Indonesia Nomor 8 Tahun 2016 tentang Penyandang Disabilitas*. Jakarta: Sekretariat Negara.

- Junaidi, M. (2019). Membangun politik hukum pendidikan inklusif pada tingkat pendidikan tinggi bagi penyandang disabilitas di Indonesia yang berperspektif hak asasi manusia. *Jurnal Hukum Ius Quia Iustum*, 26(3), 563–586.
- Michael, D. (2020). Penyelenggaraan Pendidikan Tinggi Bagi Penyandang Disabilitas Di Universitas Brawijaya. *Jurnal Hak Asasi Manusia*, 11(1), 3–8.
- Muhibbin, M. A., & Hendriani, W. (2021). Tantangan dan strategi pendidikan inklusi di perguruan tinggi di Indonesia: literature review. *Jurnal Pendidikan Inklusi*, 4(2), 92–102.
- Musoliyah, A. (2019). Pemenuhan Hak-hak Anak Berkebutuhan Khusus dalam Perspektif Undang-Undang Nomor 8 Tahun 2016 tentang Penyandang Disabilitas: Studi Kasus Di Desa Sonoageng Kecamatan Prambon Kabupaten Nganjuk. *Sakina: Journal of Family Studies*, 3(2).
- Natasya, E. V., Reyvan, A. R. F., Pramesti, M. W., Ramadani, L. M. P., & Azzahra, E. B. (2025). Legal protection for criminal acts against disabled perpetrators. *Disable: Law Review*, 1(1), 15–37. <https://doi.org/10.26740/disable.v1i1.40339>
- Ningarumsari, R. J., Ailya, A., Wasliman, E. D., & Wasliman, I. (2026). Analisis Kebijakan Sertifikasi Dosen Dan Penguatan Profesionalisme Akademik Dalam Meningkatkan Mutu Pendidikan Tinggi. *Jurnal Ilmiah Wahana Pendidikan*, 12, 110–121.
- Priamsari, R. P. A. (2019). Hukum yang berkeadilan bagi penyandang disabilitas. *Masalah-Masalah Hukum*, 48(2), 215–223.
- Puspandari, K., & Sinaga, Y. (2023). Tanggung jawab negara dalam pemenuhan hak pendidikan inklusif di Indonesia. *Jurnal Ilmiah Publika*, 11(1), 305–315.
- Puspitosari, W. A., Satria, F. E., Surwati, A., & Iswanto. (2022). Tantangan mewujudkan kampus inklusi di pendidikan tinggi dalam telaah literatur. *Jurnal Moral Kemasyarakatan*, 7(1), 55–67.
- Rahmadhani, C. N., Nabila, A., Aldiyanti, I., Mayasari, D., Aditriani, I. F., & Prehantoro, P. (2023). Mengukur perlindungan hukum bagi korban diskriminasi melawan penyandang disabilitas. *Jurnal Kewarganegaraan*, 7(2), 2064–2072.
- Rahmatillah, R. (2025). Perlindungan Hukum Terhadap Penyandang Disabilitas Berdasarkan Undang-Undang Nomor 8 Tahun 2016 Tentang Penyandang Disabilitas (Doctoral dissertation, Universitas Malikussaleh).
- Riyadi, E. (2021). Pelaksanaan pemenuhan hak atas aksesibilitas pendidikan tinggi bagi penyandang disabilitas di Yogyakarta. *Jurnal Hukum Ius Quia Iustum*, 28(1), 71–93. <https://doi.org/10.20885/iustum.vol28.iss1.art4>
- Rohmah, M., Lituhayu, D., & Setianingsih, E. L. (2020). Implementasi Kebijakan Kuota Pekerja Penyandang Disabilitas Di Lingkungan Pemerintah Daerah Kabupaten Kebumen. *Journal of Public Policy and Management Review*, 12(3), 421–438.
- Salim, I., & Yulianto, M. J. (2016). Hak penyandang disabilitas: Instrumen hukum dan implementasinya di Indonesia. Jakarta: Bappenas.
- Setiawan, B. (2019). *Disabilitas dan hak asasi manusia*. Yogyakarta: Pustaka Pelajar.

- Ulfah, S. M. (2024). Tantangan dan Strategi Anak Berkebutuhan Khusus dalam Pembelajaran di Perguruan Tinggi. *Journal of Disability Studies and Research (JDSR)*, 3(2), 12–30.
- Widjaja, A. H., Wijayanti, W., & Yulistyaputri, R. (2020). Perlindungan Hak Penyandang Disabilitas dalam Memperoleh Pekerjaan dan Penghidupan yang Layak Bagi Kemanusiaan. *Jurnal Konstitusi*, 17(1), 197–223.