

Legal Recognition of Hidden Disabilities in Higher Education

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Abstract

Hidden disabilities often receive limited attention in inclusive education because they are difficult to identify, creating barriers to academic accommodations in higher education. Although Indonesia has regulations protecting the rights of persons with disabilities, its legal framework does not specifically regulate administrative recognition mechanisms for hidden disabilities. This study examines the absence of normative and administrative standards for recognizing hidden disabilities in higher education, which hinders the effective implementation of disability rights. Using a normative juridical method with statutory, conceptual, and human rights approaches, this research analyzes Indonesian disability regulations and relevant international human rights instruments. The findings show that existing legal protections remain inadequate because they lack adaptive recognition procedures that ensure equal access to academic support. This article proposes the Inclusive Hidden Disability Recognition System (IHDRS) as a normative-administrative framework to strengthen inclusive education governance. The study's novelty lies in positioning administrative recognition as an essential component of disability rights protection and establishing a legal framework linking human rights principles with institutional recognition mechanisms for students with hidden disabilities.

Keywords: *Human rights; Higher education; Inclusive education; Invisible disabilities; Legal protection.*

A. INTRODUCTION

Persons with disabilities are recognized as legal subjects with long-term physical, intellectual, mental, or sensory impairments that affect their participation in social life. They face barriers in participating fully and equally in society due to internal and external constraints (Maullasari, 2021). This condition shows that disability is not only a medical issue but also a social and legal concern regulated under Law No. 8 of 2016. The concept of disability has expanded to include invisible disabilities such as mental and intellectual impairments and chronic illnesses. These conditions are often unrecognized because existing regulations, including Law No.8 of 2016, primarily emphasize visible and formally identifiable forms of disability without providing specific administrative recognition mechanisms for hidden disabilities. As a result, the identification and fulfilment of rights for individuals with hidden disabilities remain limited. This condition creates legal ambiguity regarding institutional obligations in recognizing and accommodating invisible disabilities within public services and higher education systems. Consequently, legal protections are not evenly implemented in public services and legal systems (Alika et al., 2025).

The Indonesian legal system upholds human rights by ensuring respect, protection, and fulfillment of rights without discrimination. This principle is reflected in Law No. 39 of 1999 and the Convention on the Rights of Persons with Disabilities (CRPD), ratified through Law No. 19 of 2011. The Convention defines disability as the interaction between individuals and environmental as well as attitudinal barriers. This definition marks a shift from a medical model to a social model of disability (Sodiqin, 2021). This shift recognizes persons with disabilities as equal legal subjects. However, its implementation still faces structural and cultural challenges, particularly

because legal protection often depends on formal recognition mechanisms that are not yet adaptive to invisible disabilities. Without administrative recognition, students with hidden disabilities frequently encounter difficulties in accessing accommodations, academic support, and legal certainty regarding their rights within educational institutions.

Legal developments in Indonesia show a shift toward a human rights-based approach to disability. The state and higher education institutions are required to provide reasonable accommodations for equal access to education (Mulyawan, 2025). Studies highlight the importance of accessible regulations and facilities in supporting inclusive education (Budahu, 2022). However, access to higher education remains limited due to inadequate services and infrastructure (Riyadi, 2021). Structural barriers, including non-adaptive systems, non-inclusive institutional culture, and discriminatory selection processes, continue to restrict access (Herlina, 2024; Rizkiah et al., 2025; Tinambunan et al., 2025). This indicates that the fulfillment of rights has not yet been effective in practice. Existing regulations also do not specifically regulate administrative procedures for identifying and recognizing students with hidden disabilities, resulting in uncertainty regarding the implementation of reasonable accommodations. In practice, universities often rely on general disability frameworks that are insufficient to address the specific characteristics of invisible disabilities. This condition demonstrates that legal protection cannot function effectively without an institutional recognition mechanism capable of identifying hidden disabilities in an adaptive and non-discriminatory manner.

Previous research has identified accessibility challenges, particularly in the context of technology, as a major issue for persons with disabilities. The digital divide

reflects unequal access to information and communication technologies (Nurhayati & Kardi, 2024). At the same time, technology has the potential to empower individuals by increasing self-confidence and reducing stigma (Sabarina et al., 2024). Existing legal studies, however, remain general and have not specifically addressed invisible disabilities (Hidayat, 2021). Administrative mechanisms such as the Hidden Disabilities Sunflower program have also received limited scholarly attention. This condition indicates that the integration between legal frameworks and administrative practices remains underexplored. Current studies mainly focus on accessibility and general disability rights without examining how administrative recognition mechanisms may strengthen the implementation of legal protection for individuals with hidden disabilities in higher education institutions. Therefore, there remains a significant gap regarding the relationship between disability law, institutional recognition systems, and the fulfilment of human rights obligations under the CRPD.

Invisible disabilities as a socio-legal phenomenon still face significant challenges in terms of recognition and rights fulfillment within legal and institutional frameworks. Individuals often experience dilemmas when deciding whether to disclose their conditions due to stigma and discrimination (Sapir & Banai, 2024). Educational institutions frequently fail to identify these conditions properly, which results in limited access to academic services. The lack of awareness within academic communities further exacerbates this issue (Yaum et al., 2025). Existing studies tend to focus on general disability issues without specifically examining invisible disabilities and their administrative handling mechanisms. Therefore, a clear gap exists in the literature regarding the integration of legal protection and adaptive administrative systems for invisible disabilities.

This study addresses this gap by analyzing legal protections and comparing their implementation through mechanisms such as the Inclusive Hidden Disability Recognition System (IHDRS). The IHDRS is proposed as an administrative recognition mechanism designed to assist higher education institutions in identifying and accommodating students with hidden disabilities through inclusive and rights-based procedures. Conceptually, the IHDRS is grounded in the principles of equality, non-discrimination, accessibility, and reasonable accommodation under the CRPD and Law No. 8 of 2016. Institutionally, the IHDRS may function through campus-level policies and disability service units without necessarily requiring immediate legislative amendment, although further regulatory harmonization would strengthen its legal certainty and implementation. The absence of such a mechanism may result in legal uncertainty, unequal access to educational services, and the failure of institutions to fulfill their human rights obligation toward students with hidden disabilities.

This study seeks to answer four research questions arising from the research gaps identified above. The first research question examines how students with hidden disabilities are legally protected under the human rights framework, particularly through the principles of equality, non-discrimination, and reasonable accommodation. The second research question investigates the extent to which the Indonesian legal framework has effectively protected the rights of students with hidden disabilities and identifies the remaining implementation gaps within higher education institutions. The third research question explores how Australia's legal and institutional framework recognizes and protects students with hidden disabilities, as well as the comparative lessons that can be adopted in the Indonesian context. The fourth research question analyzes how the Inclusive Hidden Disability Recognition System (IHDRS)

can be incorporated into Indonesia's higher education system as an administrative recognition mechanism to strengthen the implementation of disability rights. Accordingly, this study aims to provide a socio-legal analysis of hidden disabilities while offering a conceptual framework for integrating administrative recognition mechanisms into inclusive higher education policies in Indonesia.

B. RESEARCH METHOD

This study employs a doctrinal comparative legal research design to examine the legal protection of students with hidden disabilities within the framework of human rights and inclusive higher education (Wiraguna, 2024). The research applies statutory, conceptual, comparative, and human rights approaches. The statutory approach examines the legal framework governing the protection of students with hidden disabilities in Indonesia and Australia, while the conceptual approach analyzes the legal principles of equality, non-discrimination, reasonable accommodation, and inclusive education. The comparative approach identifies similarities, differences, and best practices between the legal systems of both countries, whereas the human rights approach evaluates the conformity of domestic legal frameworks with the Convention on the Rights of Persons with Disabilities (CRPD). Primary legal materials consist of the CRPD ratified through Law No. 19 of 2011, Law No. 39 of 1999 on Human Rights, Law No. 8 of 2016 concerning Persons with Disabilities, and relevant Australian legal instruments, including the Disability Discrimination Act 1992, the Disability Standards for Education 2005, and the Disability Services and Inclusion Act 2023. Secondary legal materials include peer-reviewed journal articles, legal textbooks, and other scholarly publications concerning disability rights and inclusive education. All legal materials

were analyzed qualitatively through legal reasoning and comparative analysis to evaluate the consistency between legal norms and their implementation, identify normative gaps in the protection of students with hidden disabilities, and formulate the Inclusive Hidden Disability Recognition System (IHDRS) as a normative-administrative framework for strengthening inclusive higher education in Indonesia.

C. RESULT AND DISCUSSION

1. The Theoretical and Normative Framework for the Protection of Persons with Disabilities from a Human Rights Perspective

a. The Principles of Non-Discrimination, Equality of Rights, and the Fulfillment of Rights

Persons with disabilities, as legal subjects, possess equal rights to education and fair treatment without discrimination within a human rights framework. The state, as the primary duty-bearer, must ensure equal access through inclusive education systems that reflect the theory of equality, particularly substantive equality, which emphasizes equal outcomes rather than merely equal treatment (Amnesti et al., 2023). In this context, the fulfillment of rights requires not only formal legal recognition but also concrete legal and institutional measures capable of removing structural barriers that hinder participations. Law No.39 of 1999 concerning Human Rights guarantees equality before the law and prohibits discriminatory treatment, while Law No.8 of 2016 further affirms the right of persons with disabilities to obtain accessible education and public services. These provisions establish a normative obligation for the state to provide accessibility, reasonable

accommodation, and adaptive systems within educational institutions. Therefore, equality must be interpreted as the realization of effective participation and access rather than merely symbolic legal recognition.

The protection of vulnerable groups, including persons with disabilities, reflects the broader framework of social justice theory, which emphasizes fairness in the distribution of opportunities and resources. The principle of social justice requires the state to correct structural inequalities experienced by marginalized groups through affirmative legal and policy measures. In this regard, Law No.8 of 2016 recognizes that discrimination may arise not only from direct exclusion but also from the failure to provide accommodations and accessibility. Consequently, the absence of adaptive mechanisms may result in indirect discrimination because individuals with disabilities are unable to access educational services on an equal basis with others. This condition demonstrates that legal protection cannot rely solely on general equality provisions but must include responsive institutional mechanisms capable of addressing diverse disability conditions. Thus, social justice functions as a normative foundation requiring the state to actively eliminate systemic disadvantages.

The principle of equality before the law further affirms that persons with disabilities must be recognized as rights holders with full legal capacity. This principle requires legal systems to accommodate differences through reasonable adjustments rather than expecting individuals to conform to standard institutional structures. The

Committee on the Rights of Persons with Disabilities in General Comment No. 6 states that the denial of reasonable accommodation constitutes a form of disability discrimination, emphasizing that substantive equality requires adaptive measures beyond formal equal treatment (Committee on the Rights of Persons with Disabilities, 2018).

In higher education, Inclusive environment must be supported by accessible infrastructure, adaptive learning systems, and responsive academic services (Anggalini et al., 2024). However, the absence of adequate accommodations mechanisms may create legal consequences in the form of unequal access to educations, exclusion from academic participation, and the denial of effective enjoyment of constitutional rights. Such conditions indicate that institutions may fail to fulfil their obligations under Law No. 8 of 2016, particularly regarding accessibility and non-discrimination. Therefore, disability rights theory emphasizes that equality can only be achieved when recognition, accommodation, and inclusion are implemented in practice through enforceable institutional measures.

b. The Role of the State in Developing Mechanisms for the Recognition of Visible Disabilities

The recognition of disability rights within the national legal framework reflects the application of disability rights theory, which positions persons with disabilities as equal citizens with enforceable rights. Law No. 8 of 2016 guarantees equal opportunities in education and social participation and obliges the state to ensure accessibility and

protections from discrimination. Nevertheless, the implementations of these rights requires concrete recognition mechanisms capable of identifying the needs of persons with disabilities within institutional systems. Without effective mechanisms for recognition and accommodation, legal guarantees remain largely formal and unable to ensure substantive equality. Therefore, legal recognition must be accompanied by administrative and institutional systems that facilitate access to rights in practice.

The state's obligation to eliminate barriers and discrimination also reflects the principles of social justice, particularly in ensuring fair access to educational opportunities. Law No. 8 of 2016 emphasizes the importance of reasonable accommodation to support the participation of persons with disabilities (Karya et al., 2021). These accommodations include accessible infrastructure, adaptive learning methods, and support services responsive to individual needs. However, the absence of recognition mechanism may prevent individuals, particularly those with invisible disabilities, from accessing accommodations because their conditions are not formally acknowledged within institutional procedures. As a result, students may experience exclusion from academic participation, unequal treatment, and limited access to support services. This condition demonstrate that the failure to establish recognition systems may produce discriminatory effects despite the existence of formal legal protections.

The state, as the primary duty-bearer, has a positive human rights obligation to ensure the effective realization of inclusive education through both regulatory and practical measures. This obligation reflects the state not only to enact legislation but also to develop implementation mechanism, monitoring systems, and institutional policies that guarantee accessibility (Puspandari & Sinaga, 2023). In the context of invisible disabilities, the absence of identification and recognition mechanisms indicates a limitation in state implementation effort because affected individuals remain unable to access accommodations guaranteed by law. Such inaction may constitute a failure to fulfil positive human rights obligations, particularly the obligations to respect, protect, and fulfil the right to education without discrimination. Consequently, the state's responsibility extends beyond normative recognition toward ensuring that rights can be effectively exercised in practice.

Institutional oversight functions as an important mechanism to ensure that legal norms are translated into practical implementation within educational systems. This reflects the principles of accountability and fairness emphasized in social justice theory (Dores, 2025). The government must supervise whether higher education institutions consistently provide accessible facilities, academic accommodations, and inclusive services. Inadequate oversight may allow discriminatory practices and structural barriers to persist despite existing legal protections. The absence of effective monitoring also

weakens the enforceability of disability rights because institutions may neglect accessibility obligations without legal consequences. Therefore, institutional oversight is essential to ensure that disability protection norms are implemented effectively and consistently.

Strengthening institutional capacity and policies further represents the practical implementation of disability rights theory in achieving inclusive education. Educational institutions must develop adaptive systems, improve educator capacity, and provide support services capable of responding to diverse disability conditions (Sujannah et al., 2025). However, the limited recognition of invisible disabilities demonstrates that institutional systems still prioritize visible forms of disability, thereby excluding individuals whose conditions are not immediately identifiable. This limitation creates unequal access to accommodations and weakens the realization of substantive equality. Accordingly, the development of recognition mechanisms is necessary to ensure that all persons with disabilities, including those with invisible disabilities, are able to access their rights equally within educational institutions.

2. Legal Protection and the Reality of Implementation in Indonesia

a. The Regulatory Framework for the Protection of Persons with Disabilities in Indonesia

Legal protection for persons with disabilities in Indonesia is regulated through various laws that affirm equality and accessibility in educations, employment, and public services. Law No. 8 of 2016 and

Law No. 39 of 1999 reflects the application of equality theory by recognizing equal rights for all citizens regardless of disability status (Ariel et al., 2025). Normatively, these laws prohibit discrimination and require the provision of accessibility and reasonable accommodation. However, the existing framework still largely emphasizes formal equality because implementation mechanisms remain limited, particularly regarding invisible disabilities. Although the definition of disability includes mental and intellectual conditions, institutional practices often focus primarily on visible physical disabilities. As a result, individuals with invisible disabilities frequently encounter difficulties in obtaining recognition, accommodation, and support services.

This condition demonstrates a gap between normative guarantees and practical implementation. Structural barriers such as inaccessible services, inadequate institutional procedures, and low public awareness continue to limit the participation of persons with disabilities (Ariel et al., 2025). The absence of clear administrative mechanisms for identifying invisible disabilities further contributes to legal uncertainty because affected individuals cannot easily prove eligibility for accommodations. Consequently, rights guaranteed under Law No. 8 of 2016 may become ineffective in practice. This situation indicates that the state has not fully fulfilled its positive obligation to ensure effective access to rights through operational and institutional measures. Therefore, the regulatory framework must be strengthened through

more adaptive implementation systems and inclusive institutional policies (Widinarsih, 2019).

b. The Empirical Reality of Disability Protection Implementation

Public awareness significantly influences the effectiveness of disability protection policies in practice. Limited understanding of disability, particularly invisible disabilities, often results in stigma and discriminatory treatment that contradict the principles of social justice and inclusion (Giuntoli et al., 2024; Hendry et al., 2022). Invisible disabilities are frequently unrecognized within educational and public service institutions, causing affected individuals to experience inadequate responses and limited access to accommodations (Hefiela, 2024; Sapir & Banai, 2024). This condition demonstrate that substantive equality has not yet been achieved because institutional systems continue to rely on visible indicators of disability. Consequently, individuals with invisible disabilities remain vulnerable to exclusion from educational participations and public services (Page et al., 2024). Their needs are often overlooked due to the absence of recognition mechanisms and adaptive institutional procedures (Munjanja & Hendricks, 2025). Thus, implementation failures are closely linked to the lack of institutional responsiveness and legal operationalization.

Accessibility for persons with disabilities must also be understood as including social and institutional recognition of diverse disability conditions. Disability rights theory emphasizes that recognition and

accommodation are essential components of equal participations. Programs such as the Hidden Disability Sunflower initiative illustrate efforts to address recognition gaps by providing identifiers that communicate the need for support without requiring continuous explanation (Hefiela, 2024). Such mechanisms contribute to reducing stigma and improving institutional responsiveness. Research further indicates that recognition-based approaches can strengthen inclusivity in public services and educational environments (Perhimpunan Reumatologi Indonesia, 2021). In the Indonesian context, however, comparable mechanisms remain limited within educational institutions. The absence of institutional recognition systems therefore creates legal and practical consequences because students with invisible disabilities may be denied accommodations despite being substantively entitled to protection under existing laws.

c. Normative Analysis of Implementation Gaps

The gap between legal norms and implementation reflects a limitation in achieving substantive equality as emphasized in equality theory. Although laws formally guarantee equal rights, practical barriers continues to prevent persons with disabilities from fully enjoying those rights (Achmad, 2025). This demonstrate that formal legal recognition alone is insufficient without effective implementation mechanisms, institutional commitment, and adequate supervision. The lack of coordination among institutions further weakens policy implementations and reduces the effectiveness of legal

protections. Consequently, disability rights remain difficult to enforce in practice despite comprehensive normative provisions.

The absence of recognition mechanisms for invisible disabilities further demonstrates a limitation in the implementation of disability right theory, which requires acknowledgment of all forms of disability. Existing policies predominantly focus on visible disabilities and therefore fail to accommodate individuals with invisible conditions (Afriyanni et al., 2021). This limitation creates unequal access to educational accommodations, support service, and institutional protections. In legal terms, the absence of recognition systems may result in indirect discriminations because individuals are unable to access rights guaranteed by law due to administrative and institutional barriers. Such conditions indicate that the state has not fully fulfilled its positive human rights obligations to protect and fulfil the rights of persons with disabilities through effective implementation measures.

3. Legal Protection and Implementation in Australia

a. The Regulatory Framework for Disability Protection in Australia

Legal protection in Australia is structured through regulations that emphasize equality and non-discrimination in access to education, employment, and public services. The Disability Discrimination Act 1992 reflects the application of theory of equality, particularly substantive equality through reasonable accommodation (de Bruin et al., 2024). The Disability Standards for Education 2005 further require educational institutions to provide reasonable accommodation and

equal access for students with disabilities. This approach ensures that individuals are not only treated equally but are also supported according to their needs. The Disability Services and Inclusion Act 2023 further strengthens this framework by promoting coordinated and rights-based services (Australian Government, 2023). These policies align with social justice theory, which emphasizes equitable distribution of resources and opportunities. Participation of persons with disabilities in policymaking also reflects the principles of disability rights theory. Thus, the regulatory framework integrates legal recognition with practical inclusion (Ned et al., 2025).

b. Empirical Implementation of Disability Protection

The implementation of disability protection in Australia demonstrates a stronger integration between legal frameworks and practical mechanisms. Universities provide accommodations and support services, reflecting the application of disability rights theory in educational settings (Harpur et al., 2025). The Guidance Notes to the Disability Standards for Education 2005 also emphasize consultation and individualized adjustments for students with disabilities (Department of Education Employment and Workplace Relations, 2012). However, administrative challenges indicate that implementation is not always effective. Difficulties in identifying needs and coordinating services show limitations in achieving substantive equality (Nguyen & Nguyen, 2025). Although policies mandate reasonable accommodation, their effectiveness depends on institutional

capacity and resource availability (Page et al., 2024). The National Disability Insurance Scheme (NDIS) represents an effort to realize social justice through individualized support (White et al., 2021). Nevertheless, disparities in access, particularly in remote areas, highlight ongoing challenges. Thus, implementation remains influenced by structural and administrative factors.

c. Normative Analysis of Implementation

The regulatory framework in Australia reflects the principles of equality theory and social justice theory, particularly in promoting non-discrimination and participation. Legal instruments emphasize reasonable accommodation as a means to achieve substantive equality (Armstrong, 2025). The importance of reasonable accommodation in education was also highlighted in *Purvis v New South Wales (Department of Education and Training)* [2003] HCA 62, which addressed disability discrimination within educational settings. However, gaps between norms and implementation still persist. These gaps are influenced by institutional capacity and resource distribution. Equal access is not always consistently achieved. Thus, implementation remains a key challenge despite strong legal frameworks.

Attention to invisible disabilities reflects the application of disability rights theory, which emphasizes recognition and inclusion of all disability forms (Hendry et al., 2022). Individuals with hidden disabilities often face challenges in obtaining recognition and support. Social and institutional awareness plays a crucial role in addressing

these issues. Inclusive mechanisms must be developed to accommodate diverse needs. Public awareness initiatives are also necessary. Thus, recognition becomes a central element of inclusion.

Comparative analysis shows that both Indonesia and Australia face challenges in implementing disability policies despite strong legal foundations. This reflects limitations in achieving social justice, particularly in ensuring equitable access across different contexts (Giuntoli et al., 2024; Moran et al., 2024). Indonesia focuses on strengthening legal norms, while Australia emphasizes practical implementation mechanisms. However, both countries still struggle with accommodating invisible disabilities. Administrative and structural factors influence policy effectiveness. Thus, bridging the gap between norms and practice remains a shared challenge.

Table 1

**Comparative Analysis of Legal Protection for Persons with Disabilities in
Indonesia and Australia**

No	Aspect	Indonesia	Australia
1.	Legal Framework	Law No. 8 of 2016; Law No. 39 of 1999	Disability Discrimination Act 1992; DSI Act 2023
2.	Legal Approach	Normative approach and recognition of rights	Normative approach with strong implementation mechanisms
3.	Equality Principle	Formal equality dominant	Substantive equality

			(reasonable accommodation)
4.	Disability Perspective	Expanding perspective, but still focused on visible disabilities	Inclusive, including invisible disabilities
5.	Policy Implementation	Implementation remains less optimal	More structured and institutionalized
6.	Reasonable Accommodation	Regulated but limited in practice	Widely applied and mandatory
7.	Institutional Role	Developing and less adaptive	Strong, coordinated, and responsive
8.	Public Awareness	Relatively low	Higher due to programs and campaigns
9.	Recognition Mechanism	Limited (no formal system for invisible disabilities)	Exists (e.g., Hidden Disabilities Sunflower)
10.	Main Challenge	Gap between norms and implementation	Administrative and access disparities

Source: Author's Analysis

The comparison presented in Table 1 highlights key significant differences in the legal protection of persons with disabilities in Indonesia and Australia in terms of regulatory frameworks, equality principles, and institutional roles. Indonesia primarily adopts a normative legal frameworks that emphasizes formal equality through statutory recognition. In contrast, Australia combines normative regulation with stronger implementation mechanisms that reflect substantive equality, particularly through the consistent application of reasonable accommodation (de Bruin et al., 2024). These differences demonstrate that the effectiveness of legal protection depends not only on the existence of legal regulations but also on how such regulations are implemented within institutional practices. Australia's stronger institutional coordination supports more adaptive and responsive public services, while Indonesia

continues to face challenges related to institutional capacity and policy implementation. Therefore, structural and institutional factors play an important role in realizing disability rights effectively.

Table 1 demonstrates disparities in accessibility, recognition mechanisms, and public awareness, especially concerning invisible disabilities. Indonesia still lacks formal recognition systems for invisible disabilities and mainly relies on general accessibility measures that are not yet fully inclusive. Australia, meanwhile, has developed recognition mechanisms and public awareness initiatives that support individuals with non-visible conditions. These differences reflect the application of disability rights theory, which considers recognition as an essential prerequisite for inclusion (Hefiela, 2024). Public awareness also significantly influence the development of inclusive services and the reduction of stigma toward persons with disabilities. In Indonesia, limited public awareness contributes to under recognition and restricted access to accommodation measure. Consequently, recognition systems and awareness programs are essential components in strengthening effective legal protection for persons with disabilities.

The comparison in Table 1 indicates that both Indonesia and Australia continue to face challenges in ensuring equitable implementation despite having established legal frameworks. Indonesia experiences persistent gaps between legal norms and practical implementation, whereas Australia still encounters administrative barriers and unequal access across regions. These conditions illustrate that achieving social justice requires not only formal legal guarantees but also effective institutional performance and equitable resource distribution (Giuntoli et al., 2024). Differences in policy implementation further show that governance structures and public service

systems significantly affect the realization of disability rights. Both countries also continue to face difficulties in fully accommodating invisible disabilities within their respective legal frameworks. Therefore, improving implementation strategies remains essential to achieving inclusive and equitable protection for persons with disabilities.

4. Proposed Reform: Inclusive Hidden Disability Recognition System (IHDRS)

a. Concepts and Characteristics of the IHDRS

The Inclusive Hidden Disability Recognition System (IHDRS) is a mechanism for recognizing invisible disabilities that facilitates students' access to appropriate accommodations in higher education. This system emphasizes voluntary participation, whereby students can choose to disclose their disability to receive appropriate academic support, for example, by wearing a lanyard featuring a sunflower as a symbol for individuals with invisible disabilities. Research indicates that students with hidden disabilities often face dilemmas regarding disclosure due to concerns about social stigma, complex administrative processes, and the potential for discriminatory treatment in academic settings. Consequently, some students choose to conceal their disability, even though this may limit their access to available academic support services (Munjanja & Hendricks, 2025). Therefore, a disability recognition mechanism that is integrated into the higher education administrative system, accompanied by personal data protection, is essential to ensure that students feel safe when accessing academic support services, while also aligning with human rights principles as set

forth in the Convention on the Rights of Persons with Disabilities (CRPD).

b. Consistency with Human Rights Principles

Article 24 of the CRPD affirms the obligation of States to ensure an inclusive education system at all levels of general education on the basis of disability (United Nations, 2006). Article 24 also requires states to provide reasonable accommodation to ensure equal access to education for persons with disabilities (United Nations, 2006). Thus, the development of a system such as the IHDRS can be understood as an administrative mechanism that supports the implementation of inclusive education and as part of the progressive realization of the right to education for persons with disabilities in higher education. Legally, the IHDRS can be classified as an administrative policy that supports the fulfillment of the right to education as stipulated in Article 24 of the CRPD, while also reflecting the principles of non-discrimination and reasonable accommodation in disability law

D. CONCLUSION

The legal protection of students with hidden disabilities is normatively guaranteed through the principles of equality, non-discrimination, and reasonable accommodation under the CRPD, Law No. 39 of 1999, and Law No. 8 of 2016. These legal instruments recognize persons with disabilities as equal rights holders entitled to inclusive education. However, formal legal recognition alone is insufficient to ensure substantive equality. Effective protection requires adaptive

institutional mechanisms capable of identifying hidden disabilities and providing appropriate accommodations.

The Indonesian legal framework has established a normative basis for protecting the rights of students with hidden disabilities, but its implementation remains ineffective. The absence of administrative recognition procedures creates legal uncertainty and limits access to reasonable accommodation in higher education. Institutional capacity, public awareness, and inclusive administrative practices also remain inadequate. Consequently, a significant gap persists between legal guarantees and their practical implementation.

Australia demonstrates a more effective implementation of disability protection through stronger institutional coordination, individualized accommodations, and formal recognition mechanisms for hidden disabilities. Nevertheless, administrative and regional disparities continue to affect the consistency of implementation. The comparative analysis indicates that legal protection is more effective when supported by adaptive administrative systems rather than statutory regulation alone. These findings provide valuable lessons for strengthening Indonesia's inclusive higher education governance.

The Inclusive Hidden Disability Recognition System (IHDRS) offers a normative-administrative framework for improving the implementation of disability rights in Indonesian higher education. The proposed mechanism supports the identification of students with hidden disabilities while respecting privacy, voluntary disclosure, and human rights principles. Its integration into institutional policies and disability service units would strengthen legal certainty and improve access to reasonable accommodation. Therefore, the IHDRS has the potential to

bridge the gap between legal norms and institutional practice while advancing inclusive higher education in Indonesia.

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