

Legal Culture and Disability Rights in Indonesian Islamic Higher Education: A Review of Practices

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Abstract

This research aims to examine disability rights in relation to Islamic universities in Indonesia, paying attention to the legal culture concerning equal opportunities for disabled people. As a qualitative study with an empirical legal research method, this research will therefore gather information from various sources to examine current practices concerning regulations, facilities, and academic and social support, and disability education in Islamic higher learning institutions. The findings indicate that there is a major disparity between the legislation and the realities on the field. Implementation of strategies is poor, and a number of strategies are even ineffectual. Lack of physical infrastructure, academic accommodations, and training on the disability topics are some of the main challenges regarding full inclusion. Based on the study findings, it is suggested to enhance and expand the existing policies that include all parties and policies based on Islamic values that support equality and social justice. The final section reiterates the call for the reform of institutional culture and the advocacy of continuous public education to achieve cultural change.

Keywords: *Islamic Higher Education, Inclusion, Legal Culture, Regulations, Disability Education.*

Introduction

The rights of persons with disabilities have become an increasing global concern in recent decades, triggered by various international legal instruments such as the UN Convention on the Rights of Persons with Disabilities (CRPD). In Indonesia, the dynamics of recognition and protection of the rights of persons with disabilities are quite long; Indonesia began by ratifying the Act of the Republic of Indonesia Number 4, of 1997, concerning Disabled People, Law 19 of 2011 which was then updated with Law Number 8 of 2016 concerning Persons with Disabilities (Jovita, 2018; Ridlwan, 2013, 2015b, 2015a). They are legislative measures aimed at enhancing a formal structure that will enhance the protection and realization of the rights of persons with disability by removing barriers in education, employment and access to public facilities without discriminating them based on disability as provided by the constitution as a human right (Ridlwan, 2013). Laws: these indicate that the State is committed to respect the equal and inherent rights of all its citizens and work towards making a enabling environment for persons with disability to freely participate in all activities within society without discrimination (Ari Atu Dewi, 2018), including to access higher education (Tea et al., 2023). According to data from the Ministry of Higher Education, as of April 2022, there were 1,588 students with special needs in 148 colleges and universities (<https://www.viva.co.id/edukasi/1491469-terkait-akses-ini-kebutuhan-mahasiswa-disabilitas-di-perguruan-tinggi>). Meanwhile, based on the data of the announcement of the final results of the State Islamic Religious University Entrance Examination (UM-PTKIN), the National Committee for the Admission of New Students to State Islamic Religious Universities has determined that 63,717 participants passed the examination. 83 of them are participants with disabilities (<https://jateng.solopos.com/selamat-83-difabel-lolos-um-ptkin-2022-1354108>). These data are proof that they exist and must be given the same opportunities and rights as other students. Although the law is a significant step forward, there are always real challenges in its implementation, especially in the context of higher education, including in Islamic educational institutions.

Universities have a crucial part in determining legal culture and social inclusion policies in every country (Freier & Katz, 2022). In the Indonesian context, Islamic universities have a responsibility not only for

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education and science, but also for the formation of social and cultural values for tolerance (Chanifah et al., 2021). Nevertheless, there is a significant disparity between policy formulation regarding the inclusion of persons with disabilities in higher education and policy enforcement. Bias and poor policies have brought into question the legal climate and persons with disabilities in the Islamic universities across Indonesia. Research indicates that most universities have no legal provision that protects the rights of individuals with disabilities (Ananda et al., 2023; Setiawan & Syarahbil, 2023). However, the realization of these rights is still restricted; it is hampered by procedural factors despite the constitution protecting the rights of citizens (Afrianty, 2023). Indonesian government policies to ensure education for disabled people have some challenges, private universities are more accepting than public (Madanih, 2023). Therefore, there is a need for enhancement of legal structures as well as efforts towards cultivating a suitable organizational culture for equity for Indonesian Islamic higher institution students with disabilities.

This research aims to fill the knowledge gap in previous literature regarding the interaction between legal culture and disability rights in Islamic universities in Indonesia. In addition, it focuses on an in-depth understanding of how legal culture and the rights of persons with disabilities are articulated and implemented in Islamic universities in Indonesia. This research attempts to reveal how the legal culture in Islamic universities influences the acceptance and support of students with disabilities. This includes aspects of facilities, academic support, and inclusion in social and academic activities. Furthermore, this research also examines the influence of the teaching and interpretation of Islamic values on attitudes and practices related to people with disabilities at Islamic universities.

This research assumes that Islamic higher education institutions are relevant to the development of values and norms that could inform justice and exclusion in Indonesia. This assumption originates from the belief that higher education institutions are not only the center for knowledge dissemination but also the center for socialization of the dominant culture and values in the society including the values of the rights of persons with disabilities. It is expected that this study will generate suggestions for improving the social and academic participation of people with disabilities and the policy guidelines of the higher education institutions. Therefore, Islamic universities can better embrace the values of inclusion to be in parallel with the Islamic principles of social justice and equity.

Method

This research used a qualitative approach with an empirical legal study method. The qualitative approach was chosen because it aims to deeply and thoroughly understand the phenomenon of legal culture and the rights of persons with disabilities in Indonesian Islamic universities. The literature review was chosen as the main data collection method because it allows researchers to access and analyze various written sources relevant to the research topic (Creswell et al., 2018; Creswell & Creswell, 2018). Meanwhile, field studies were conducted to gather concrete evidence through observations and interviews with informants who were thought to know and understand the issue.

Research data was collected through a literature study, which included: 1) Books and scientific journals: Such sources will be used to find general information on legal culture and rights of the disabled in Indonesian Islamic universities; 2) Official documents: Indonesian legal data on rights of the disabled in Indonesian Islamic universities will be examined; 3) Research reports: Similar researches on this topic will also be studied; 4) Websites: Official sites of Indonesian Islamic colleges and organizations of the rights of persons with disabilities will

Data collected from various literature sources were analyzed thematically. Thematic analysis involves identifying, categorizing, and interpreting patterns and themes that emerge from the data (Yin, 2009). To ensure the validity of the data, this research used triangulation techniques by cross-checking various data sources and methods to confirm the research findings.

Results and Discussion

Legal Awareness and Legal Culture

The results of this research show that the majority of Islamic universities have made internal regulations as a follow-up to the mandate of Law No. 8 of 2016 and Regulation No. 1 of 2024 of the Minister of Religious Affairs on Reasonable Accommodation for Learners with Disabilities. However, in the implementation phase, it is found that the legal awareness and legal culture in Islamic universities in Indonesia towards the rights of persons with disabilities are still at low levels (Puspitosari et al., 2022; Soleh, 1970). Based on the analysis of the literature study and observational data in the field, several indications are found that showed a lack of understanding and support for the inclusiveness of people with disabilities. These results reflect several critical aspects that hinder the integration and full acceptance of people with disabilities in the academic environment, such as understanding of regulations, policy implementation, institutional norms and values, discrimination, and marginalization.

Low legal awareness is indicated where clients lack adequate information on the content of Law No. 8/2016 on Persons with Disabilities. Occasionally, a cross-sectional survey was conducted in one of the Islamic universities under study to discover that very few of the faculty and staff had any knowledge of this law, let alone its implementation as university policy. For instance, in the case of admission there are no particular questions or information pertaining to the disabled persons and their requirements. This shows the lack of knowledge about the law on disability access and accommodation in organizations. The fourth and final clear signal of an unsupportive legal culture is the failure to adopt policies that are favorable to people with disability. Other proof is that many college campuses lack proper infrastructure like lifts, although the regulations provide for provision of facilities for persons with disability. Moreover, through observational research, practices in the field show that there are some university buildings equipped with only narrow stairs that cannot be accessed by the special mobility challenged students.

The legal culture in higher education is still characterized by norms and values that reflect the physical and neurotypical bias (Puspitosari et al., 2022). For instance, in some co-curriculum activities, the students with disability are always withdrawn because they can pose a danger to themselves and the rest or they are normally unable to offer their best shot. The extreme situation is when the deaf and blind children are sent home with the statement that they cannot attend a biology class because it is believed that they will only interfere with the learning process. From this it makes one infer that having non-supportive policies as well as non-responsive legal environments results in discrimination. During interview sessions, some of the students with disability told me how they withdraw themselves from group discussions or team projects because not only fellow students but lecturers also think that the child with disability takes time to come to terms with what is being taught or cannot offer something productive to the group. This research study suggests that more needs to be done in increasing the consciousness in the protection of rights of persons with disabilities in Indonesia and enhancing the legal culture of Islamic universities. Therefore, interventions are required at the immediate policy level as well as the day-to-day practice so that the institution is welcoming of differences and variations as sources of adding value to the setting.

Regulation Implementation

The results of this research show that although there are regulations in support of the rights of persons with disabilities, there are several significant barriers to their implementation in Islamic universities in Indonesia. Law No. 8/2016 on Persons with Disabilities and the Minister of Religious Affairs' Regulation No. 1/2004 on Reasonable Accommodation for Learners with Disabilities, which should provide a strong foundation for the protection and promotion of the rights of persons with disabilities, have not been effectively and consistently implemented in many of the Islamic universities (Sopyan, 2020). Factors hindering implementation include a lack of in-depth understanding of the regulations, limited resources, and a lack of institutional commitment (Boitumelo et al., 2020).

Consequently, most of the university staff and managers have limited understanding of the contents and requirements of Law No. 8/2016 and the Regulation of the Minister of Religious Affairs. For instance, in one university, most of the policies are either not in line with the legal regulations, or actually against them, because no attempt is made in many cases to educate the staff on the implementation of these regulations. Distinct, but related with the former is lack of funds, which is a key challenge when it comes to executing policies for persons with disabilities. Some of the universities namely have expressed the willingness to improve access to the facilities but due to financial constraints as well as the priority given to the existing allocations it becomes a challenge. For instance, a university has a single elevator for persons with disability, but this is repeatedly out of order while there are inadequate resources for periodic repair and maintenance (Olumolade, 2024).

The general absence of commitment to disability inclusion at the university level is another contributing factor. Some universities are not serious at all in changing policies or practices that should support the persons with disabilities (Imran, 2018). This ranges from a request for two sign language interpreters to not even having proper deaf support in largest academic event. There are still a number of discriminatory practices in place that create barriers for people living with disabilities when attempting to enter the work force. For instance, in the registration process a few students with disabilities said they had to fill out more forms than other non-disabled students. And, some classes are in buildings with no elevators above the ground floor. This inherently prevents disabled students from being able to use them. This has not only opposed academic access but also social access. Social and extracurricular constraints often prevent persons with disabilities to partake fully in activities. The absence of academic and social reinforcement is another hurdle. For instance, there is an acute shortage of learning support technology devices for students who are visually and hearing impaired. This is an example of the non-existent understanding and application of policies which are supposed to be building blocks towards academic success coupled with social inclusion among students with disability.

Facility and Accessibility

The outcomes reveal that the majority of Islamic universities in Indonesia are still grappling with the issue of marginal access to the facilities by persons with disabilities. The existing infrastructure which includes physical structures and ways of using learning resources do not meet the specific needs of students with disabilities in many cases. Here are some particular results associated with facilities and accessibility. First, Physical Facilities. Many buildings and classrooms have insufficient provisions for students with disabilities as simple as lack of adequate access ramps in most campus buildings (Yusof et al., 2020). For instance, the building has only narrow stairs and no elevators/ ramps, thus making it impossible for those on wheelchairs to access (Gupta et al., 2020).

In addition, few toilets are designed for disabled accessibility, often located far from the main classrooms, which adds to the difficulties for such students. Second, elevators and access to upper floors. The lack or malfunction of elevators in some campus buildings is also a serious problem (Ayoung et al., 2021). In the case of other universities, the existing elevators are often out of service and there is no funding for regular repairs (Alhusban & Almshaqbeh, 2023). This prevents students with disabilities from attending classes on the upper floors or accessing the library, which is often in a multi-story building.

Accessibility is also a problem with education. Most university libraries don't have the technology to cater for those with visual or hearing impairments. One graduate known to the LFT blog has written before about how student loans contribute to living in poverty, and that is without considering non-academic barriers like a dearth of screen reader services or electronic books. Further, there are few Braille materials which seriously limits the possibility of independent studies for vision-impaired students. For example, there are no screen readers for children with vision problems in any of the computers. When they do, students with disabilities are often reliant on their friends or course tutor to access the reading material as a consequence lose out some power of learning independently (Herbert et al., 2020).

Academic and Social Support

This research proves that many scholars with disabilities receive insufficient academic and social support. Students with disabilities have noticeable limitations when it comes to integration of students into schools and access of the educational environment and curriculum, class attendance and completion of coursework, and social contact with others. This means that they often do not find academic and social support, which in turn leads to low learning achievement, high dropout rates and social isolation among the students with disabilities.

Many students with disabilities report difficulties in attending lectures. For example, at one of the universities studied, hearing-impaired students are not supported by sign language interpreters, so they often miss important information during lectures. This not only hinders their understanding of the material but also demotivates them to actively participate in class. Students with disabilities also experience barriers in doing assignments. For example, they express that there are no adjustment facilities that allow them to use the computer comfortably. As a result, they often hand in assignments late or have to rely on the help of others to complete his work, potentially reducing his independence and confidence. Social interaction is also a big challenge. Some students reported that they felt isolated from their peers due to the lack of initiatives from the university to promote inclusive activities. For example, organized extracurricular activities tend not to consider accessibility needs, leaving students with disabilities unable to participate. This lack of academic and social support has a significant impact on student achievement. Students with disabilities in certain universities have lower grade point averages compared to non-disabled students (Parsons et al., 2021). Furthermore, the dropout rate among students with disabilities is relatively higher, an indication that the barriers they face may hinder their academic success and graduation. The sense of social isolation experienced by students with disabilities was evident in the student satisfaction survey. Many felt that they did not have equal access to support services, which exacerbated feelings of isolation (Lopez-Gavira et al., 2021).

It is also evident that most disabled students attend challenges in attending lectures. For example, in one of the universities under analysis, deaf students who do not have sign language interpreters tend to lose essential information during the lecture. Not only does it affect their grasp of the material, but also discourages them from engaging in the lesson. Students with disabilities also find it hard to do assignments. For instance, they state that there are no accommodation features that enable them to work on the computer while they are comfortable. Consequently, they may submit assignments that are overdue or have to depend on assistance from others in doing his work; which may lower his self-esteem and the level of his independence. Another difficulty is the lack of social interaction. It was sad to hear some students claim that they have no friends in university because no one takes the initiative to organize diverse activities involving all students. For instance, organized extra-curricular activities are normally not prepared with accessibility needs in mind meaning that students with disabilities cannot join in. The absence of academic and social support hits the students hard in terms of their performance. Students with disabilities in some specific universities suggested receiving lower grade point averages than non-disabled students. In addition, students with disabilities leave schools early, and this implies that the challenges faced by these learners may prevent them from completing their education successfully (Lopez-Gavira et al., 2021). This culture of loneliness was observed and highlighted in the student satisfaction survey from students with disability. Some voiced concerns about unequal access to support services which compounded feelings of loneliness (Lopez-Gavira et al., 2021).

Training and Education

This research points to the necessity of providing more and comprehensive staff and lecturers' training in Islamic higher education regarding issues of disability. It remains essential for acquiring the understanding and competencies for teaching and supporting learners with disabilities (Havercamp et al., 2021). Activities for professionals include teaching practices that promote tolerance of diversity, how to incorporate assistive tools and technology, and responding to students with disabilities. In addition, in this research, the author also stressed on the need to persevere with the process of education for the academic community to

embrace the principles of inclusion and equity. I believe this education has to enhance the sensibility and dedication of all stakeholders within the university on the way to address the issues of disabled individuals. Ideally, these education programs should be continuous and revised periodically depending on the emerging dynamics that affect disability inclusive programming. These two – training of the staff and lecturers and continuing education for all members of the academic community – must be considered as the priorities for the further development of initiative in Islamic universities. They know these programs will further improve institutional capacity for building more welcoming learning environments, which will enhance students with disabilities' academic success and ensure their social inclusion on campuses.

Inclusive Policy

The results indicate the importance of developing and strengthening more comprehensive inclusive policies in Islamic universities to support people with disabilities not only physically, but also in various aspects of campus life. Effective inclusive policies are not limited to improving physical accessibility such as ramps, elevators, and other disability-friendly facilities, but should also include the full integration of people with disabilities in the curriculum, assessment system, extracurricular activities, as well as student services.

It means that this general inclusive policy plays a crucial role in the organization and presentation of the curriculum. For instance, the content of the curriculum must be changed concerning people with disabilities due to the integration of the Americans with Disabilities Act (ADA) (Lopez-Gavira et al., 2021), which might require such measures as assistive technologies or easier formats. Organisations should also reflect on assessments such that assessment procedures are well-developed, and the coalesce thereof addresses the needs of exceptional students (Bisschops et al., 2023; Herbert et al., 2020). Similarly, the patterns of activities, students' services and extracurricular activities should be arranged in a manner that would exclude nobody due to their physical or sensory impairment. At this policy development process, it is necessary to engage students with disabilities and other concerned parties. While engaging in policy making formulation the needs of the target group are not only known and positively featured but awareness creation is also paramount especially among the academics. It may be possible to learn from such tips during the conversations, workshops and feedback sessions with PWDs since the policymakers and administrators being involved may not be able to think like a PWD due to the nature of their disability or lack of experience as one themselves (Bisschops et al., 2023). It also kind of cautions that policies are not just put in place on paper to remain there, but are executed in practice to impact the lives of students with disabilities for the better. To achieve culture of policy implementation, it is very crucial that any institution must endeavour to put in practice across all its sub – divisions of management, staff and faculties to make the institution an inclusive institution for the disabled. Thus, universities need to invest enough money and time into analyzing the success and significance of the inclusive policies adopted or changed, based on the feelings and requirements of the stakeholders of the university.

Disability in Religious Perspective

The findings indicate that there is a need for establishing Islamic and religious learning that embraces the rights of disabled people, as well as disability-friendly interpretations of Islam for societies to embrace the disability rights cause and education. Unfortunately, the humanistic values discussed in religious teachings, especially in Islamic scriptures, have not become a foundation for changing society by building a high level of accessibility and inclusiveness of people with a disability in higher education ecosystem. Hence, to enhance effective nurturing of sentiments that will guarantee the realization of the rights of PWDs, universities ought to ensure that all aspects of religious education make positive and supportive contributions. This encompasses delivery of content in a suitable subject area, preparing lecturers and teachers involved in the subject area under question for inclusive interpretation, as well as exercises that enable debates and context reflection with regards to the Islamic religion on inclusiveness. The extent to which Islamic universities can be pioneers in carrying out the vision of Islamic teachings of justice and humanity in the area of inclusion and equality on these reform measures' seriousness.

The data described above shows that the legal culture of Islamic universities in Indonesia has a good will to follow the legal regulations on the protection of the rights of persons with disabilities can be said to be

quite good, this is evident in each university through its rector making derivative policies that are internal and enforced on each campus. For example, the Rector's Decree becomes the liability insurance for upholding the protection of the rights of persons with disabilities in higher education. Formal legal support for fostering an inclusive culture in the academic community (V., 2021). This is a strategic point because it is an entry point for the protection and recognition of the rights of persons with disabilities. With this internal policy, the provost also declares the campus to be a disability-friendly or inclusive campus and is part of the institution's branding campaign. The campus is taking this step solely to gain public recognition that it is an inclusive campus (Hikmah et al., 2021). Public recognition of the campus has an important role in the existence and image of the institution (Cahyoadi et al., 2018). Ariens reminded that the possibility of fraudulent practices in campus branding must be watched (Ariens, 2003), not to get caught up in the aspect of mere formal documents, but to ignore the essence of the purpose of education to humanize people. Campus branding is important (Clark et al., 2020; Williams & Omar, 2014) because campuses can survive and develop based on their branding but it is necessary to consider the ethical value of higher education branding.

At the implementation level, the existing legal culture in higher education is often still dominated by norms and values that prioritize physical and neurotypical abilities (Umenne et al., 2021) and ignore the existence of students with disabilities (Mishchenko, 2013) as unique and valuable subjects. Referring to Friedman's opinion (Al Kautsar & Muhammad, 2022, 2022), it can be said that the legal culture of Islamic universities in implementing the protection of rights for persons with disabilities is still low. This condition is ironic (Kerby, 2013; Thornton & Shannon, 2013). On the one hand, universities are often hailed as institutions that express the principles of religious teachings that fight for the values of justice, equality, and anti-discrimination with the mission of *rahmatan lil alamin* campus, but in fact, they become discriminatory actors against persons with disabilities due to limited budget and resources. In other words, Islamic universities have been ambiguous, on the one hand, they make policies that provide legal protection and the rights of persons with disabilities, but at the implementation level they are not serious about realizing it.

In light of the above findings, this paper suggests the following strategies, which should be undertaken by Islamic universities to address the challenges faced by the PWDs with regard to the accessibility of the institutions with a view to promoting an environment that will effectively cater for their needs: In the evaluation of disability experiences in built environments, it is paramount to highlight Staeger-Wilson's focus on campus facilities (Staeger-Wilson et al., 2012) fitted to the core of campus planning and essentially enhancing social belonging (Campos, 2021). Other papers examined call for cooperation and agreement of interest of all the parties for promoting the integration of disability students into higher learning institutions (Bumble et al., 2019; Papay & Griffin, 2013). A report stresses the use of the Social Model of Disability to make necessary adjustments that will allow disabled students to be in a position to learn (Mole, 2013a, 2013b). Thus, the concept of clarifying and promoting campus identity in Islamic higher education for people with disabilities suggests an integrated and participatory approach that takes into account their position. However, there is a question about the inclusive nature of the campus that requires the modification and readjustment thereof (Morgado et al., 2016; Moriña & Carballo, 2020). However, if this strategy is implemented systematically and sustainably to undertake the above benefits, the image of Islamic higher education will gradually regain the public's trust or be recognized (Ambarwati & Sari, 2024).

Conclusions

This research has provided a clear understanding of the circumstances that would enable the realisation of rights of persons with disabilities in the Islamic higher learning institutions in Indonesia with indication of some emerging issues and barriers to the establishment of a legal culture of compliance in IDI. The results showed that while the legislation has enhanced the national legal protection of disabled persons, there is still a disparity in the correlation between current legislation concerning and the actual enactment of formal policies in the given domain. This gap is wellcaptured at the level of implementing physical facilities for disability; accommodation; academic support services for a disable student; and any co-curricular or social activity that may be open for disable students. These findings indicate that teaching and administrative staff

of Islamic universities are sadly unaware of disability functioning at a level that does not allow for profound understanding of disability; therefore, it becomes pertinent to state that there is a dire need for training programs that will enhance their competence in the facilitation of the realization of rights of students with disabilities. This training not only enhances the respondent's capacity in helping others to succeed but also brings about the cultural shift in the institution in an effort to improve inclusiveness. Education and enforcement of Islamic values that embrace people with a disability as part of the community should be enhanced in order to alter perception on the disabled within the campus. The findings of this research can attest that religious education has a lot of possibilities for the improvement with regard to its use as a means for the support of the inclusive values and practices, respect for diversity, and fight against prejudice and discriminations. This entails a shift of emphasis to the learning content and process to teach the child not only knowledge but also acceptable behavior. Overall, Islamic universities face a dual challenge: enforcing the already provided laws while incorporating the Islamic values that respect the rights of the disabled persons. Knowing this, all stakeholders, including persons with disabilities, have to work together in an effort to design and put in place proper and appropriate policies. Compliance with the law is achieved and at the same time policy implementation uplifts the quality of learning institutions for all students.

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