

## Higher Learning Law Obligates State Universities to Give Access to Poor People

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Experts and witnesses from related parties, government and applicant gave their opinion during the review of High Learning Law No 12 Year 2012 held in the Constitutional Court.

UGM Executive Secretary, Gugup Kismono, said currently UGM as one of related parties actively monitors the proceeding. A total of 6 universities (UGM, IPB, UI, ITB, UPI and Unair) have applied themselves as related parties.

“UGM sees the Law as important to not only the existence but also progress and improvement of higher learning institutions,” Gugup said on Wednesday (19/6).

In the proceeding, Gugup said, the related parties were only asked by the panel of judges to present their written opinion.

Applicant’s expert, Prof. Dr. B.S. Mardiatmadja, S.J., has the opinion that the Law had been falsely named as the Law covers organisational and managerial rather than scientific matters so much that

it had better be named University Law.

Witness and expert from government are Prof.Dr.Ir. Rizal Z. Tamin, and Dr. Ade Armando, M.Sc.

Prof. Tamin gave his experience in the management of ITB that was able to improve higher learning quality. The discourse on higher learning institutions as legal entities had been thoroughly reviewed since 1997.

Ade Armando considers that the government the Law encourages social justice, education quality improvement and democratisation.

“Obviously, it would become deconstructive to the effort to generate a smart nation if the Law should be revoked by the Constitutional Court,” Ade described.

IPB is represented by experts, M. Fajrul Falaakh, S.H., M.A., M.Sc. and Agus Pambagyo. Fajrul Falaakh stated that the applicant had experienced a fatal failure by asking for the revocation of the Law. It is as if it asked the Constitutional Court to ban the state’s constitutional duty to generate a smart nation. He saw the Court as having no authority to ban the state from forming, endorsing or regulating legal entities.

Should the Law be revoked, the Court will remove higher learning management guidelines, making higher learning institutions under the Education and Culture Ministry. The fact is that the Ministry would not be able to accept all graduates from state universities, Fajrul explained.

Similarly, Agus Pambagyo saw it too premature to review the Law as it has not even been implemented. Monitoring mechanism is attached to the Law, thus removing the fear that legal entities would become profit oriented institutions.

“The stipulation of having a minimum of 20% of students from impoverished group is a guarantee that legal entities are not wildly liberalised and commercialised by the state through the Higher Learning Law,” Agus said.

Considering such statements, Gugup saw that the Law in essence is a more academic, humane and relevant Law as it makes education equal for everyone. It does not contradict the Constitution, either. Further proceeding will run on 3 July 2013.

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