

DRAFT
BILL OF THE REPUBLIC OF INDONESIA,
NUMBER 12 YEAR 2012
ON
HIGHER EDUCATION

[ENGLISH LANGUAGE TRANSLATION]

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DRAFT
BILL OF THE REPUBLIC OF INDONESIA,
NUMBER 12 YEAR 2012
ON
HIGHER EDUCATION

BY THE MERCY OF GOD ALMIGHTY
THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

- Considering:
- a. that the 1945 Constitution of the Republic of Indonesia has given the Government a mandate to make effort and organise a national education system that improves the faithfulness, piety toward the God Almighty, and noble morality and to develop the nation's intellectual life and advance the nation's science and technology by upholding religious values and nation unity for the advancement of civilisation and welfare of mankind;
 - b. that Higher Education as part of the national education system has a strategic role in developing the nation's intellectual life and advancing the nation's science and technology by applying humanity values and sustainable culture and empowerment of the Indonesian nation;
 - c. that to improve the nation's competitiveness in facing the globalisation in every field, there needs to be Higher Education capable of developing science and technology and producing intellectuals, and/or professionals who are cultured, creative, tolerant, democratic, of strong characters, and dare to fight for the truth for the nation's interests;
 - d. that to put into the realisation of a just affordability and equality in accessing Higher Education which has quality and is relevant to the community interest for the advancement, independence and welfare, there needs to be the management of Higher Education which is planned, focused and continuous while taking into consideration the demographic and geographic aspects;
 - e. that to ensure the organisation of Higher Education there needs to be regulations as the legal ground and certainty;
 - f. that based on the considerations referred to in letter a, b, c, d and e, there needs to draft a Law on Higher Education;

Bearing in mind: Articles 20, 21 and 31 of the 1945 Constitution of the Republic of Indonesia:

With the Joint Consent of:
THE PEOPLE'S REPRESENTATIVES COUNCIL OF THE REPUBLIC OF INDONESIA
and
THE PRESIDENT OF THE REPUBLIC OF INDONESIA
HAS DECIDED
To enact: THE LAW ON HIGHER EDUCATION.

CHAPTER I
GENERAL PROVISIONS

Article 1

In this Law:

1. Education means a conscious and planned effort to put into realisation the learning atmosphere and learning process in order for Students to be able to actively develop their potential to possess spiritual, religious strength, self control, personality, intelligence, noble morality, and skills needed by themselves, their community, nation and country.
2. Higher Education means an education level after the secondary education that includes diploma program, undergraduate program, master's degree program, doctoral degree program, and professional program, and specialist program, organised by Higher Education institution based on the Indonesian nation's culture.
3. Science means a series of knowledge explored, formulated and developed systematically through certain approaches, based on scientific method to explain natural and/or social phenomena.
4. Technology means the application and utilisation of various branches of science resulting in values to fulfil the needs and sustainability of life, and to improve people's quality of life.
5. Humanities mean an academic discipline which studies the intrinsic values of humanity.
6. Higher Education Institution means an education unit that delivers Higher Education.
7. State Higher Education Institution, subsequently referred to as PTN, means a Higher Education institution established by and/or delivered by the Government.
8. Private Higher Education Institution, subsequently referred to as PTS, means a Higher Education institution established by and/or organised by the community.
9. *Tridharma Perguruan Tinggi* (Three Pillars of Higher Education), subsequently referred to as Tridharma, means the obligation of Higher Education institution to deliver education, research and Community Service.

10. Research means activity conducted based upon scientific principles and systematic methodology to obtain information, data and explanation related to the understanding and/or testing of a branch of science and technology.
11. Community Service means activity of Academic Society that utilises science and technology to advance people's welfare and to improve the nation's intellectual life.
12. Learning means the interactive process between Students and lecturers and source of learning in a learning environment.
13. Academic Society means the Society consisting of lecturers and Students.
14. Lecturers mean professional educators and scientists with the main duty of transforming, developing and disseminating science and technology through education, research and Community Service.
15. Students mean education participants at Higher Education level.
16. Community means a group of non-governmental Indonesian citizens that pays attention and plays role in the field of Higher Education.
17. Study Programs mean an education and learning activity unit that has a certain curriculum and learning method in a type of academic education, professional education and/or vocational education.
18. National Higher Education Standards mean a unit of standards including the national education standards, research standards, and Community Service standards.
19. Government means the Central Government.
20. Regional government means the provincial government, district government or city government.
21. Ministry means a governmental structure overseeing governmental affairs in the field of education.
22. Other ministries mean a governmental structure overseeing governmental affairs other than the field of education.
23. Non-Ministerial Government Agency, subsequently referred to as LPNK, means a central government agency that carries out certain governmental tasks.
24. Minister means President's aide that lead a ministry in the field of education.

Article 2

Higher Education is based on state principle Pancasila, the 1945 Constitution of the Republic of Indonesia, the Unitary Republic of Indonesia and Unity in Diversity

Article 3

Higher Education is based on:

- a. scientific truth;
- b. reasoning;
- c. honesty;
- d. justice;
- e. benefit;
- f. virtue;
- g. responsibility;
- h. diversity; and
- i. affordability.

Article 4

Higher Education has the functions:

- a. to develop the ability and to shape the characters and civilization of the nation in order to develop the nation's intellectual life;
- b. to develop an Academic Society which is innovative, responsive, creative, skilful, competitive, and cooperative through the application of Tridharma; and
- c. to develop science and technology while paying attention and applying humanity values.

Article 5

Higher Education has the objectives to:

- a. develop Students' potentials to be a faithful and pious individuals towards God Almighty and possess noble morality, to be healthy, knowledgeable, capable, creative, independent, skilful, competent and cultured for the nation's interests;
- b. produce graduates who master branches of science and/or technology to support the nation's interests and to improve the nation's competitiveness;
- c. produce Science and Technology through Research that pays attention to and apply Humanity values to be useful in advancing the nation and the advancement of civilisation and welfare of mankind; and
- d. provide Service for the community based on the reasoning and useful Research results in advancing the general public welfare and developing the nation's intellectual life.

CHAPTER II
ORGANISATION OF HIGHER EDUCATION

Part One

Principles and Responsibilities of Higher Education Organisers

Article 6

Higher Education is organised under the principles of:

- a. the search for scientific truth by the Academic Society;
- b. democratic, just and non-discriminatory while upholding human rights, religious values, cultural values, plurality, the nation's unity and integrity;
- c. the development of academic culture and the cultivation of the reading-writing activity for the Academic Society;
- d. the lifelong cultivation and empowerment of the nation;
- e. exemplary behaviour, willingness and development of Students' creativity in the learning process;
- f. Students-centred learning process while paying attention to the environment harmoniously and proportionally;
- g. freedom to choose Study Programs based on Students' interest, talents, and ability;
- h. one systemic unit with the open and multi-meaning system;
- i. inclination towards the economically less fortunate community groups; and
- j. empowerment of all community components through participation in the delivery and quality control of Higher Education service.

Article 7

- (1) Minister is responsible for the delivery of Higher Education.
- (2) The Minister's responsibility over the delivery of Higher Education as referred to in subsection (1) includes regulating, planning, supervision, monitoring, evaluation, guidance and coordination.
- (3) The Minister's tasks and authority over the delivery of Higher Education include:
 - a. general policies in the development and coordination of Higher Education as part of the national education system to achieve Higher Education objectives;

- b. deciding on national general policies and drafting long-term, mid-term and annual development plans of sustainable Higher Education;
 - c. improving quality assurance, relevance, affordability, just and equal distribution, and access to sustainable Higher Education;
 - d. strengthening and improving the capacity of academic management and Higher Education resource management;
 - e. granting and revoking license related to the delivery of Higher Education excluding religious Higher Education;
 - f. general policies in mobilization and effective use of all community potentials to develop Higher Education;
 - g. establishing council, commission, and/or consortium involving the Community to formulate Higher Education development policies; and
 - h. carrying out other tasks to guarantee the development and achievement of Higher Education objectives.
- (4) With regard to the delivery of religious Higher Education, the responsibilities, tasks and authority are held by the minister who organises governmental affairs in the religious field.
- (5) Further provisions on the Minister's responsibilities over the delivery of Higher Education as referred to in subsection (2), the Minister's tasks and authority as referred to in subsection (3) shall be stipulated in the Government Regulation.

Part Two

Development of Science and Technology

Paragraph 1

Academic Freedom, Academic Freedom of Speech and Scientific Autonomy

Article 8

- (1) In the organisation of Education and development of science and technology, academic freedom, academic freedom of speech and scientific autonomy are applied.
- (2) The development of science and technology as referred to in subsection (1) is conducted by the Academic Society through learning and/or scientific research while upholding religious values and national unity for the advancement of civilisation and welfare of mankind.

- (3) The implementation of academic freedom, academic freedom of speech and scientific autonomy in Higher Education Institution is the personal responsibility of the Academic Society, which must be protected and facilitated by the Higher Education institution's leaders.

Article 9

- (1) The academic freedom as referred to in Article 8 subsection (1) is the freedom of the Academic Society in Higher Education to explore and develop science and technology responsibly through the application of Tridharma.
- (2) academic freedom of speech as referred to in Article 8 subsection (1) is the authority of professors and/or lecturers who have the scientific authority and charisma to express openly and responsibly opinion on something related to their scientific cluster and branch.
- (3) scientific autonomy as referred to in Article 8 subsection (1) is the autonomy of the Academic Society in a certain branch of knowledge and/or technology in finding, developing, exposing, and/or defending scientific truth according to the scientific norms, methods and academic culture.

Paragraph 2

Science and Technology Clusters

Article 10

- (1) Science and Technology clusters are a collection of a number of trees, branches and twigs of science structured systematically.
- (2) The science and technology clusters as referred to in subsection (1) consist of:
 - a. religious studies cluster;
 - b. humanities cluster;
 - c. social science cluster;
 - d. natural science cluster;
 - e. formal science cluster; and
 - f. applied science cluster.
- (3) The science and technology clusters as referred to in subsection (2) are transformed, developed and/or widely disseminated by the Academic Society through Tridharma.

Paragraph 3

Academic Society

Article 11

- (1) Academic Society is a community that has a scientific tradition in developing academic culture.
- (2) The academic culture as referred to in subsection (1) is a whole system of values, ideas, norms, actions and works originating from science and technology in accordance with the Higher Education principles.
- (3) The development of academic culture as referred to in subsection (1) is conducted through social interaction regardless of the ethnicity, religion, race, inter-group, gender, social status, economic level, and political view.
- (4) The social interaction as referred to in subsection (3) is conducted in the learning process, to search for scientific truth, mastery and/or development of science and technology and the development of Higher Education institution as scientific institutions.
- (5) The Academic Society has the obligation to maintain and develop academic culture by treating science and technology as a process and product and as charity works and moral paradigm.

Article 12

- (1) Lecturers as a member of the Academic Society have the task of transforming science and/or technology they master to Students by creating a learning atmosphere and learning process in order to Students to actively develop their potentials.
- (2) Lecturers as scientists have the task of developing a branch of science and/or technology through scientific reasoning and research and widely disseminating it.
- (3) Lecturers as individuals or group have the obligation to write a teaching book or text book, which is published by Higher Education Institution and/or by scientific publication as one of the learning sources and for the development of academic culture as well as for cultivation of reading-writing activity for the Academic Society.

Article 13

- (1) Students as a member of the Academic Society are positioned as mature individuals who have their own awareness to develop their potentials in Higher Education Institution to become intellectuals, scientists, practitioners, and/or professionals.

- (2) Students as referred to in subsection (1) actively develop their potentials by carrying out learning process, searching for scientific truth, and/or mastering, developing and applying a branch of science and/or technology to become cultured scientists, intellectuals, practitioners, and/or professionals.
- (3) Students have the academic freedom by prioritising reasoning and noble morality as well as by being responsible in accordance with the academic culture.
- (4) Students are entitled to education services according to their talents, interests, potentials and abilities.
- (5) Students can complete an education program according to their respective learning pace and should not exceed the time limit set by Higher Education Institution.
- (6) Students must maintain ethics and comply with the Higher Education norms to ensure the implementation of Tridharma and the development of academic culture.

Article 14

- (1) Students develop their talents, interests and abilities through co-curricular and extracurricular activities as part of the education process.
- (2) Co-curricular and extracurricular activities as referred to in subsection (1) can be carried out through Student organisations.
- (3) Other provisions on co-curricular and extracurricular activities as referred to in subsection (1) shall be stipulated in the Higher Education institution's statute.

Part Three

Types of Higher Education

Paragraph 1

Academic Education

Article 15

- (1) Academic education is Higher Education of undergraduate programs and/or postgraduate programs directed at the mastery and development of science and technology branches.
- (2) Guidance, coordination and supervision of academic education as referred to in subsection (1) are under the responsibility of the Ministry.

Paragraph 2

Vocational Education

Article 16

- (1) Vocational education is Higher Education of diploma programs up to applied undergraduate programs that prepare Students for jobs with certain applied skills.
- (2) Vocational education as referred to in subsection (1) can be developed up to applied master's degree programs or applied doctoral degree programs by the Government
- (3) Guidance, coordination and supervision of vocational education are under the responsibility of the Ministry.

Paragraph 3

Professional Education

Article 17

- (1) Professional education is Higher Education after the undergraduate programs that prepare Students for jobs requiring special skills.
- (2) Professional education as referred to in subsection (1) can be organised by Higher Education Institution in cooperation with the Ministry, other Ministries, LPNK, and/or professional organisations responsible for the quality of professional service.

Part Four

Higher Education Programs

Paragraph 1

Undergraduate, Master's Degree, and Doctoral Degree Programs

Article 18

- (1) Undergraduate program is academic education for graduates of secondary education or its equivalent in order for them to be able to apply science and technology through scientific reasoning.

- (2) Undergraduate program as referred to in subsection (1) prepares Students to become intellectuals and/or scientists who are cultured, capable of entering and/or creating work field, and capable of developing themselves to become professionals.
- (3) The undergraduate programs must have Lecturers with a minimum academic qualification of master's degree or its equivalent.
- (4) Graduates of the undergraduate program are entitled to use Undergraduate degree titles.
- (5) Further provisions on undergraduate programs shall be stipulated in the Minister's Regulation.

Article 19

- (1) Master's degree program is academic education for graduates of undergraduate program or its equivalent in order for them to apply and develop science and technology through scientific reasoning and research.
- (2) The master's degree program as referred to in subsection (1) develops Students to become intellectuals and/or scientists who are cultured, capable of entering and/or creating work field, and capable of developing themselves to become professionals.
- (3) The master's degree program must have Lecturers with a minimum academic qualification of a doctoral degree or its equivalent.
- (4) Graduates of the master's degree program are entitled to use Master's degree titles.
- (5) Further provisions on master's degree program shall be stipulated in the Minister's Regulation.

Article 20

- (1) Doctoral degree is academic education for graduates of master's degree program or its equivalent in order for them to discover, create and/or contribute to the development and application of science and technology through scientific reasoning and research.
- (2) The doctoral degree program as referred to in subsection (1) develops and strengthens Students to be more prudent by improving their abilities and independence as philosophers and/or intellectuals and/or scientists who are cultured, capable to create and/or develop theories through comprehensive and accurate research in order to advance the civilisation of mankind.
- (3) The doctoral degree program must have Lecturers with a minimum academic qualification of doctoral degree or its equivalent.
- (4) Graduates of the doctoral degree program are entitled to use doctoral degree titles.
- (5) Further provisions on doctoral degree program shall be stipulated in the Minister's Regulation.

Paragraph 2

Diploma, Applied Master's Degree and Applied Doctoral Degree Programs

Article 21

- (1) Diploma program is vocational education for graduates of secondary education or its equivalent to develop skills and reasoning in the application of science and/or technology.
- (2) The diploma program as referred to in subsection (1) prepares Student to become skilful practitioners to enter the workplace according to their expertise.
- (3) The diploma program as referred to in subsection (2) consists of the following programs:
 - a. diploma one;
 - b. diploma two;
 - c. diploma three; and
 - d. diploma four or applied bachelor degree.
- (4) The diploma program as referred to in subsection (3) must have Lecturers with a minimum academic qualification of master's degree or its equivalent.
- (5) The diploma one program as referred to in subsection (3) letter a and the diploma two program as referred to in subsection (3) letter b can employ qualified instructors with minimum academic requirement of diploma three or its equivalent who have experience.
- (6) Graduates of the diploma degree program are entitled to use expert or applied bachelor degree titles.
- (7) Further provisions on diploma degree program shall be stipulated in the Minister's Regulation.

Article 22

- (1) Applied master's degree program is the continuation of the vocational education for graduates of applied bachelor degree program or its equivalent to be able to develop and apply science and/or technology through scientific reasoning and research.
- (2) The applied master's degree program as referred to in subsection (1) develops Students to become experts possessing high capacity in the application of science and technology in their professions.
- (3) The applied master's degree program must have Lecturers with a minimum academic qualification of doctoral degree or its equivalent.

- (4) Graduates of the applied master's degree program are entitled to use applied master's degree title.
- (5) Further provisions on applied master's degree program shall be stipulated in the Minister's Regulation.

Article 23

- (1) Applied doctoral degree program is the continuation of education for graduates of applied master's degree program or its equivalent to be able to discover, create and/or contribute to the application and development of science and technology through scientific reasoning and research.
- (2) The applied doctoral degree program as referred to in subsection (1) develops and strengthens Students to be more prudent by improving their abilities and independence as experts in producing and developing the application of science and technology through comprehensive and accurate research to advance the civilisation and welfare of mankind.
- (3) The applied doctoral degree program must have Lecturers with a minimum academic qualification of doctoral degree or its equivalent.
- (4) Graduates of the applied doctoral degree program are entitled to use applied doctoral degree titles.
- (5) Further provisions on applied doctoral degree program shall be stipulated in the Minister's Regulation.

Paragraph 3

Professional and Specialist Programs

Article 24

- (1) Professional program is special skill education for graduates of the undergraduate program or its equivalent to develop talents and abilities to obtain skills needed in the field of work.
- (2) The professional program as referred to in subsection (1) can be organised by Higher Education Institution in cooperation with the Ministry, other Ministries, LPNK and/or professional organisations responsible for the quality of professional service.
- (3) The professional program as referred to in subsection (1) prepares professionals.

- (4) The professional program must have Lecturers with a minimum academic qualification of professional program graduate or its equivalent with a minimum of 2 (two) years of work experience.
- (5) Graduates of the professional program are entitled to use professional degree titles.
- (6) Further provisions on the professional program shall be stipulated in the Government Regulation.

Article 25

- (1) Specialist program is further skill education that can be tiered and offered to professional program graduates experienced as professional to develop talents and abilities to be specialists.
- (2) The specialist program as referred to in subsection (1) can be organised by Higher Education Institution in cooperation with the Ministry, other Ministries, LPNK and/or professional organisations responsible for the quality of professional service.
- (3) The specialist program as referred to in subsection (1) improve the specialisation abilities in a certain branch of science.
- (4) The specialist program must have Lecturers with a minimum academic qualification of specialist program graduates and/or doctoral degree program graduates or its equivalent with a minimum of 2 (two) years of work experience.
- (5) Graduates of the specialist program are entitled to use specialist degree titles.
- (6) Further provisions on the specialist program shall be stipulated in the Government Regulation.

Paragraph 4

Academic Titles, Vocational Titles, and Professional Titles

Article 26

- (1) Academic titles are conferred by Higher Education Institution that delivers academic education.
- (2) Academic titles consist of:
 - a. undergraduate degree;
 - b. master's degree; and
 - c. doctoral degree.
- (3) Vocational titles are conferred by Higher Education Institution that delivers vocational education.
- (4) Vocational titles consist of:

- a. *Ahli Pratama* - Junior expert (diploma one);
 - b. *Ahli Muda* - associate expert (diploma two);
 - c. *Ahli Madya* - intermediate expert (diploma three);
 - d. applied bachelor degree;
 - e. applied master's degree; and
 - f. applied doctoral degree
- (5) Professional titles are conferred by Higher Education Institution that organises professional education.
- (6) The professional titles as referred to in subsection (5) are determined by Higher Education Institution together with the Ministry, other Ministries, LPNK and/or professional organisations responsible for the quality of professional service.
- (7) Professional titles consist of:
- a. professional; and
 - b. specialist.
- (8) Further provisions on academic titles, vocational titles or professional titles shall be stipulated in the Government Regulation.

Article 27

- (1) In addition to doctoral degree titles as referred to in Article 26 subsection (2) letter c, Higher Education Institution offering doctoral degree programs is entitled to confer Honorary doctoral degrees to individuals deserving to receive an award in relation to their outstanding services in science and technology and/or services in the humanitarian field.
- (2) Further provisions on Honorary doctoral degrees shall be stipulated in the Minister's Regulation.

Article 28

- (1) Academic titles, vocational titles or professional titles are only used by graduates of Higher Education Institution declared to be entitled to confer academic, vocational, or professional titles.
- (2) Academic titles, vocational titles or professional titles are only justified in the form of initials or abbreviations accepted by the Higher Education Institution.
- (3) Academic titles and vocational titles are declared illegitimate and revoked by the Minister if conferred by:

- a. non-accredited Higher Education Institution and/or Study Programs; and/or
 - b. individuals, organisations, or Higher Education providers not entitled to confer academic and vocational titles.
- (4) Professional titles are declared illegitimate and revoked by the Minister if conferred by:
- a. non-accredited Higher Education Institution and/or Study Programs; and/or
 - b. individuals, organisations, or other institutions not entitled to confer professional titles
- (5) Academic titles, vocational titles or professional titles are declared illegitimate and revoked by Higher Education Institution if the scientific work used to obtain academic titles, vocational titles, or professional titles is a form of plagiarism.
- (6) Unauthorised individuals, organisations or Higher Education providers are prohibited from conferring academic, vocational, or professional titles.
- (7) Unauthorised individuals are prohibited from using academic, vocational, and/or professional titles.

Part Five

National Qualifications Framework

Article 29

- (1) National Qualifications Framework is a stratification of learning achievements that equalise external aspects of formal, non-formal, informal education or work experience for the recognition of work competencies according to the work structure in various sectors.
- (2) The National Qualifications Framework as referred to in subsection (1) becomes the main benchmark in the classification of competencies of graduates of academic education, vocational education, and professional education.
- (3) The competencies classification of graduates as referred to in subsection (2) is decided by the Minister.

Part Six

Religious Higher Education

Article 30

- (1) The Government or the Community can deliver religious Higher Education.

- (2) The religious Higher Education as referred to in subsection (1) is formed as University, Institute, Advanced Tertiary School, Academy and can also be formed in *Ma'had Aly, Pasraman* [Hindu religious educational institution], Seminary, and other similar forms.
- (3) Further provisions about religious Higher Education shall be stipulated in the Government Regulation.

Part Seven

Long Distance Education

Article 31

- (1) Long distance education is a teaching-learning process conducted in long distance through the use of various means of communication.
- (2) The long distance education as referred to in subsection (1) has the objectives of:
 - a. providing Higher Education services to the community groups that are not able to attend education in a face-to-face and regularly manner; and
 - b. extending access and facilitating Higher Education services in education and learning.
- (3) Long distance education is organised in various forms, modes, and scopes that was supported by the learning facility and services as well as the assessment system that ensure the quality of graduates in accordance with the National Standards of Higher Education.
- (4) Further provisions on the organisation of long distance education as referred to in subsections (1), (2) and (3) shall be stipulated in the Minister's Regulation.

Part Eight

Special Education and Special Education Service

Article 32

- (1) Study Programs can be conducted through special education for Students who have difficulties in following the learning process and/or Students with special intelligence potentials and talents.
- (2) In addition to the special education as referred to in subsection (1), Study Programs can also be conducted through special education service and/or special learning services.
- (3) Further provisions on Study Programs providing special education as referred to in subsection (1) and special education service and/or special learning service as referred to in subsection (2) shall be stipulated in the Minister's Regulation.

Part Nine

Education and Learning Processes

Paragraph 1

Study Programs

Article 33

- (1) Education program is carried out through Study Programs.
- (2) Study Programs have curriculum and learning methods according to the education program.
- (3) Study Programs are conducted by the permission of the Minister after meeting the minimum accreditation requirements.
- (4) Study Programs are managed by a management unit established by Higher Education Institution.
- (5) The Study Program as referred to in subsection (1) obtains accreditation when obtaining delivery permit.
- (6) Study Programs must be reaccredited when the accreditation period ends.
- (7) The permit of Study Programs not reaccredited as referred to in subsection (6) can be revoked by the Minister.
- (8) Further provisions on the learning methods as referred to in section (2), the licensing of Study Program permit as referred to in subsection (3), and the revoking of Study Programs permit as referred to in subsection (7) shall be stipulated in the Minister's Regulation.

Article 34

- (1) Study Programs are delivered in the main campus of Higher Education Institution and/or outside the main campus in the same province or another provinces through cooperation with the local Higher Education Institution.
- (2) Further provisions on the delivery of Study Programs in the main campus of Higher Education Institution and/or outside the main campus as referred to in subsection (1) shall be stipulated in the Minister's Regulation.

Paragraph 2

Curriculum

Article 35

- (1) Higher Education curriculum is a set plan and arrangement on objectives, content and teaching materials and methods used as the guidelines for the delivery of learning activities to achieve the objectives of Higher Education.
- (2) The Higher Education curriculum as referred to in subsection (1) is developed by every Higher Education Institution in reference to the National Standards of Higher Education for every Study Programs which covers the development of intellectual intelligence, noble morality, and skills.
- (3) The Higher Education curriculum as referred to in subsection (1) must contain the subjects of:
 - a. Religion;
 - b. Pancasila;
 - c. Civics; and
 - d. Indonesian language.
- (4) The Higher Education curriculum as referred to in subsection (1) is implemented through curricular, co-curricular and extracurricular activities.
- (5) The Subjects as referred to in subsections (3) is implemented for undergraduate program and diploma program.

Article 36

Professional education curriculum is formulated together with the Ministry, other Ministries, LPNK, and/or professional organisations responsible for the quality of professional service in accordance with the National Standards of Higher Education.

Paragraph 3

Medium of Instruction

Article 37

- (1) Indonesian language as the official national language must be the medium of instruction in Higher Education Institution.
- (2) Local languages can be used as medium of instruction in language Study Programs and traditional literature.

- (3) Foreign languages can be used as medium of instruction in Higher Education Institution.

Paragraph 4

Transfer and Equalisation

Article 38

- (1) Transfer of Students can be carried out between:
 - a. Study Programs in the same education programs;
 - b. Types of Higher Education; and/or
 - c. Higher Education Institution.
- (2) Provisions on the transfer of Students as referred to in subsection (1) shall be stipulated in the Minister's Regulation.

Article 39

- (1) Graduates of vocational education or professional education can continue their education in the academic education through the equalisation.
- (2) Graduates of academic education can continue their education in the vocational education and professional education through the equalisation.
- (3) Provisions on the equalisation of graduates of vocational education or professional education as referred to in subsection (1) and the equalisation of academic education graduates as referred to in subsection (2) shall be stipulated in the Minister's Regulation.

Article 40

- (1) Graduates from foreign higher education institution can attend Higher Education in Indonesia after going through equalisation process.
- (2) Provisions on the equalisation of graduates from foreign higher education institution as referred to in subsection (1) shall be stipulated in the Minister Regulation.

Paragraph 5

Learning Sources, Infrastructure and Facility

Article 41

- (1) Learning sources in the Higher Education environment must be provided, facilitated or owned by Higher Education Institution according to the Study Programs developed.
- (2) The learning sources as referred to in subsection (1) can be used collectively by several Higher Education Institutions.
- (3) Higher Education Institution provides infrastructure and facility to fulfil education needs according to the Students' talents, interests, potentials, and intelligence.

Paragraph 6

Testamur

Article 42

- (1) Testamurs are given to graduates of academic education and vocational education as recognition to learning achievements and/or completion of an accredited Study Program delivered by Higher Education Institutions.
- (2) The testamurs as referred to in subsection (1) are issued by the Higher Education Institution that delivers Study Programs and degrees legitimate to be used by Higher Education graduates.
- (3) Higher Education graduates who use scientific work to obtain testamurs and titles, proven to be a work of plagiarism, their testamurs are declared illegitimate and their titles are revoked by the Higher Education Institution.
- (4) Unauthorised individuals, organisations or Higher Education deliverers are prohibited from issuing diplomas.

Paragraph 7

Professional Certificates and Competency Certificates

Article 43

- (1) Professional certificates are recognition for professional practices obtained by graduates of professional education delivered by Higher Education Institution in cooperation with the Ministry, other Ministries, LPNK, and/or professional organisations responsible for the quality of professional services, and/or other agencies in accordance with the provisions of legislation.
- (2) Professional certificates as referred to in subsection (1) are issued by Higher Education Institution together with the Ministry, other Ministries, LPNK, and/or other professional responsible for the quality of professional services, and/or other agencies in accordance with the provisions of legislation.

- (3) Unauthorised individuals, organisations or Higher Education providers are prohibited from issuing professional certificates.
- (4) Provisions on the professional certificates as referred to in subsection (1) shall be stipulated in the Government Regulation.

Article 44

- (1) Competency certificates are recognition for competencies achieved by graduates in accordance with the expertise in their branch of science and/or achievements outside their study program.
- (2) The competency certificates as referred to in subsection (1) are issued by Higher Education Institution in cooperation with professional organisations, training agencies, or accredited certification agencies to graduates surpassing the competency tests.
- (3) The competency certificates as referred to in subsection (2) can be used as a requirement to get a certain job.
- (4) Unauthorised individuals, organisations or Higher Education providers are prohibited from issuing competency certificates.
- (5) Further provisions on the competency certificates shall be stipulated in the Minister's Regulation.

Part Ten

Research

Article 45

- (1) Research in Higher Education Institution is directed towards developing science and technology, and improving the community's welfare and the nation's competitiveness.
- (2) The research as referred to in subsection (1) is conducted by the Academic Society according to the scientific autonomy and academic culture.
- (3) The research as referred to in subsection (2) can be based on the competency and competition channels.

Article 46

- (1) Research results are useful for:
 - a. the enrichment of Science and Technology and learning;

- b. the improvement of quality of Higher Education Institution and advancement of the nation's civilisation.
 - c. the improvement of the nation's independence, advancement, and competitiveness;
 - d. the fulfilment of strategic needs of the national development; and
 - e. the transformation of the Indonesian Community to be the knowledge-based society.
- (2) Research results must be widely spread through seminars, publications and/or patents applied by Higher Education Institution, except for the Research results that are classified, disturbing, and/or endangering public interest.
- (3) The Research results of the Academic Society published in international journals, obtaining patents used by the industry, applicable technology, and/or books used as learning source can be given meaningful awards by the Government.

Part Eleven

Community Service

Article 47

- (1) Community Service is part of the Academic Society's activities in applying and cultivating Science and Technology to advance public welfare and develop the nation's intellectual life.
- (2) Community Service as referred to in subsection (1) is conducted in various forms according to the academic culture, expertise and/or scientific autonomy of the Academic Society and the socio-cultural condition of the community.
- (3) The results of Community Service are used as a development process of Science and Technology, enrichment of learning sources, and/or for the learning and maturity of the Academic Society.
- (4) The Government gives awards to the results of Community Service issued in international journals, obtaining patents used by the private sector and the industry sector, and/or applicable technology.

Part Twelve

Research and Community Service Cooperation

Article 48

- (1) Higher Education Institution plays an active role in developing cooperation between Higher Education Institutions and between Higher Education institutions with the private, the industry and the community in the field of Research and Community Services.
- (2) The Government, regional government, and the Community efficiently use Higher Education Institution as the centre for Research or development of Science and Technology.
- (3) Higher Education Institution can efficiently use research facility in other Ministries and/or LPNK.
- (4) The Government facilitates cooperation and partnership between Higher Education Institutions and between Higher Education Institution and the private and the industry sector in the field of research.

Part Thirteen

Implementation of Tridharma

Article 49

- (1) Scope, depth, and combination of implementation of Tridharma are conducted according to the characteristics and needs of every type and program of Higher Education.
- (2) Provisions on scope, depth, and combination of implementation of Tridharma as referred to in subsection (1) shall be stipulated in the Minister's Regulation.

Part Fourteen

Higher Education International Cooperation

Article 50

- (1) Higher Education international cooperation is an interaction process to integrate the international dimension into academic activities to participate in the international society without losing the Indonesian values.
- (2) The international cooperation must be based on the principle of equality and mutual respect by promoting science, technology, and the humanity values which bring benefits to the mankind's life.

- (3) The international cooperation includes the fields of Education, Research and Community Service.
- (4) The international cooperation in the Higher Education development can be conducted among others, through:
 - a. the relations between Higher Education institutions in Indonesia with foreign higher education institutions in delivering quality education:
 - b. the development of Indonesian study centres and traditional cultures at domestic and foreign higher education institution; and
 - c. the establishment of an independent scientific community.
- (5) The national policy on the Higher Education international cooperation shall be stipulated in the Minister's Regulation.

CHAPTER III

QUALITY ASSURANCE

Part One

Quality Assurance System

Article 51

- (1) Quality Higher Education is Higher Education producing graduates capable of actively developing their potentials and producing useful science and/or technology for the community, nation and country.
- (2) The Government delivers the Higher Education quality assurance system to obtain quality education.

Article 52

- (1) Higher Education quality assurance is a systemic activity to improve the quality of Higher Education in a planned and sustainable manner.
- (2) The quality assurance as referred to in subsection (1) is conducted through the enactment, conduct, evaluation, control and improvement of Higher Education standards.

- (3) The Minister decides on the Higher Education quality assurance system and the National Standards of Higher Education.
- (4) The Higher Education quality assurance system as referred to in subsection (3) is based on the Higher Education Data Base.

Article 53

The Higher Education quality assurance as referred to in Article 52 subsection (2) consists of:

- a. the internal quality assurance system developed by Higher Education Institution; and
- b. the external quality assurance system conducted through accreditation.

Part Two

Higher Education Standards

Article 54

- (1) The Higher Education standards consist of:
 - a. The National Standards of Higher Education stipulated by the Minister based on the recommendation from an agency authorised to formulate and develop the national Standard of Higher Education; and
 - b. the Higher Education Standards stipulated by Higher Education Institution referring to the National Standards of Higher Education.
- (2) The National Standards of Higher Education as referred to in subsection (1) letter a, is a unit of standard which include the national education standards, enhanced with the research standards, and Community Service standards.
- (3) The National Standards of Higher Education is developed by taking into consideration the academic freedom, academic freedom of speech, and scientific autonomy to achieve Higher Education objectives.
- (4) The Higher Education Standards as referred to in subsection (1) letter b consist of several standards in the academic and non-academic fields exceeding the National Standards of Higher Education.
- (5) In developing the National Standards of Higher Education as referred to in subsection (1) letter b, Higher Education Institution has the freedom to manage the fulfilment of the National Standards of Higher Education.

- (6) The Minister conducts evaluation on the implementation of the National Standards of Higher Education periodically.
- (7) The Minister announces the evaluation of and assessment results of the National Standards of Higher Education to the Community.
- (8) Provisions on the evaluation as referred to in subsection (6) shall be stipulated in the Minister's Regulation.

Part Three

Accreditation

Article 55

- (1) Accreditation is an assessment activity in line with the criteria established based on the National Standards of Higher Education.
- (2) The accreditation as referred to in subsection (1) is conducted to determine the feasibility of Study Programs and Higher Education Institution based on the criteria that refer to the National Standards of Higher Education.
- (3) The Government established the National Accreditation Agency for Higher Education Institution to develop the accreditation system.
- (4) The Higher Education accreditation is conducted by the National Accreditation Agency for Higher Education Institution.
- (5) The Study Program accreditation as a form of public accountability is conducted by an independent accreditation institution.
- (6) The independent accreditation institution as referred to in subsection (5) is an independent institution established by the Government or an independent institution established by the Community which is recognised by the Government based on the recommendation from the National Accreditation Agency for Higher Education Institution.
- (7) The independent accreditation institution as referred to in subsection (6) is established according to the cluster of sciences and/or branches of science and can be according to the regional territory.
- (8) Further provisions on the accreditation as referred to in subsection (1), National Accreditation Agency for Higher Education Institution as referred to in subsection (4), and the independent accreditation institution as referred to in subsection (5) shall be stipulated in the Minister's Regulation.

Part Four

Higher Education Data Base

Article 56

- (1) Higher Education Data Base is a collection of data of Higher Education delivery in all Higher Education Institutions which is nationally integrated.
- (2) The Higher Education Data Base as referred to in subsection (1) has the functions as a source of information for:
 - a. the accreditation institution to conduct Study Program and Higher Education Institution accreditation;
 - b. the Government to regulate, plan, supervise, monitor, evaluate, as well as to guide and coordinate Study Programs and Higher Education Institution; and
 - c. the Community to know about the performance of Study Programs and Higher Education Institution.
- (3) The Higher Education Data Base is developed and managed by the Ministry or managed by an institution appointed by the Ministry.
- (4) Higher Education institution must submit data and information on the management of Higher Education institutions while ensuring their veracity and accuracy.

Part Five

Higher Education Service Agency

Article 57

- (1) Higher Education Service Agency is a Government work unit in the region that functions to help improve the quality of Higher Education delivery.
- (2) The Higher Education Service Agency as referred to in subsection (1) is established by the Minister.
- (3) The Minister assigns the tasks and functions on the agency as referred to in subsection (1) as appropriate.
- (4) The Minister periodically evaluates the performance of the agency as referred to in subsection (1).

CHAPTER IV
HIGHER EDUCATION INSTITUTION

Part One

Functions and Roles of Higher Education Institution

Article 58

- (1) Higher Education Institution carries out the functions and roles as:
- a. medium of learning for the Students and the Community;
 - b. medium of education for prospective national leaders;
 - c. centre of development of science and technology;
 - d. centre of studies of virtue and moral strength to seek and find the truth; and
 - e. centre of development of national civilisation.
- (2) The functions and roles of Higher Education Institution as referred to in subsection (1) are carried out through Tridharma activities determined in the statute of Higher Education Institution.

Part Two

Forms of Higher Education Institution

Article 59

- (1) The forms of Higher Education institution consist of:
- a. University;
 - b. Institute;
 - c. Advanced Tertiary School;
 - d. Polytechnics;
 - e. Academy; and
 - f. Community Academy.
- (2) University is a Higher Education institution that delivers academic education and can deliver vocational education in broad clusters of science and/or certain technology and if meeting the requirements, university can deliver professional education.

- (3) Institute is a Higher Education institution that delivers academic education and can deliver vocational education in a number of clusters of science and/or certain technology and if meeting the requirements, institute can deliver professional education.
- (4) Advanced Tertiary School is Higher Education institution that delivers academic education and can deliver vocational education in one cluster of science and/or certain technology and if meeting the requirements, college can deliver professional education.
- (5) Polytechnic is a Higher Education institution that delivers vocational education in broad clusters of science and/or technology and if meeting the requirement, polytechnic can deliver professional education.
- (6) Academy is a Higher Education institution that delivers vocational education in one or several branch of science and/or certain technology.
- (7) Community Academy is a Higher Education institution that delivers vocational education at the level of diploma one and/or diploma two in one or several branches of science and/or certain technology on the basis of local advantage or to meet certain needs.

Part Three

Establishment of Higher Education

Article 60

- (1) PTN [Public HEI] is established by the Government.
- (2) PTS [Private HEI] is established by the Community through the establishment of organising body with a legal entity which is non-profit and obtains permit from the Minister.
- (3) The organising body as referred to in subsection (2) can take the form of foundation, association and other forms in accordance with the provisions of legislation.
- (4) The established Higher Education Institution must meet the minimum accreditation standards.
- (5) Higher Education Institution must have a Statute.
- (6) Change or revoking of PTS' permit is conducted by the Minister in accordance with the provisions of legislation.
- (7) Further provisions on the establishment of PTN and PTS as referred to in subsections (1) to (3) and the change or revoking of PTS permit as referred to in subsection (6) shall be stipulated in the Government Regulation.

Part Four

Organisation Structure of Higher Education Institution

Article 61

- (1) Organisation structure is the Higher Education institution's work units collectively carrying out Tridharma activities with the function to manage resources.
- (2) The Organisation structure as referred to in subsection (1) must consist at least the elements of:
 - a. policy makers;
 - b. academic staff;
 - c. supervisors and quality assurance official;
 - d. academic support or source of learning; and
 - e. administration executives or administration staff.
- (3) Higher Education organisation structure shall be stipulated in the Higher Education Institution's Statute.

Part Five

Higher Education Institution Management

Article 62

- (1) Higher Education Institution has the autonomy to manage its own institution as the centre of Tridharma implementation.
- (2) The autonomy of Higher Education institution management as referred to in subsection (1) is implemented in accordance with the foundation and objectives and capacity of Higher Education institution.
- (3) The foundation and objectives and capacity of Higher Education institution to implement autonomy as referred to in subsection (2) are evaluated independently by Higher Education institution.
- (4) Further provision on the evaluation of foundation and objectives as well as capacity of Higher Education to implement the autonomy as referred to in subsection (3) shall be stipulated in the Minister's Regulation.

Article 63

Higher Education institution management autonomy is implemented under the principles of:

- a. accountability;
- b. transparency;
- c. non-profits;
- d. quality assurance; and
- e. effectiveness and efficiency.

Article 64

- (1) The Higher Education institution management autonomy as referred to in Article 62 includes academic and non-academic fields.
- (2) The management autonomy in the academic field as referred to in subsection (1) includes the operational norms and policies and Tridharma implementation.
- (3) The management autonomy in the non-academic field as referred to in subsection (1) includes the implementation of operational norms and policies and the conduct of:
 - a. organisation;
 - b. finance;
 - c. student's affairs;
 - d. staffing; and
 - e. infrastructure and facility.

Article 65

- (1) The Higher Education institution autonomy implementation as referred to in Article 64 can be granted selectively based on the evaluation of performance by the Minister to PTN by applying the Financial Management Pattern of the Public Service Agency or by establishing PTN with legal entity to produce quality Higher Education.
- (2) The PTN applying the Financial Management Pattern of the Public Service Agency as referred to in subsection (1) has the governance and management authority in accordance with the provisions of legislation.
- (3) PTN with legal entity as referred to in subsection (1) has:
 - a. the initial wealth in the form of separated state properties except land;
 - b. independent governance and decision making;
 - c. units carrying out accountability and transparency functions;
 - d. the right to independently, transparently and accountably manage funds;

- e. the authority to independently appoint and dismiss lecturers and academic staff;
 - f. the authority to open Business Entity and to develop endowment; and
 - g. the authority to open, organise and close Study Programs.
- (4) The Government assigns PTN with legal entity to deliver affordable Higher Education for the Community.
- (5) Provisions on the PTN autonomy implementation as referred to in subsection (1) are implemented in accordance with the provisions of legislation.

Article 66

- (1) The Statute of PTN is established by the Minister's Regulation.
- (2) The Statute of PTN with Legal Entity is established by the Government Regulation.
- (3) The Statute of PTS is established with a confirmation letter from the organising body.

Article 67

The implementation of Higher Education institution as referred to in Article 64 in PTS shall be stipulated by the organising body in accordance with the provisions of legislation.

Article 68

Further provisions on the Higher Education institution management as referred to in Articles 62 to 65 shall be stipulated in the Government Regulation.

Part Six

Staffing

Paragraph 1

Appointment and Placement

Article 69

- (1) Higher Education institution staffing consists of:
- a. lecturers; and
 - b. academic staff.

- (2) Lecturers and academic staff as referred to in subsection (1) are appointed and placed in Higher Education Institution by the Government or by the organising body.
- (3) Everyone possessing outstanding expertise and/or achievement can be appointed as Lecturer in accordance with the provisions of legislation.

Article 70

- (1) The appointment and placement of lecturers and academic staff by the Government is conducted in accordance with the provisions of legislation.
- (2) The appointment and placement of lecturers and academic staff by the organising body is conducted based on the employment contract or agreement in accordance with the provisions of legislation.
- (3) The organising body as referred to in subsection (2) must give basic salary and allowances to lecturers and academic staff in accordance with the provisions of legislations.
- (4) The Minister can assign Lecturers appointed by the Government as referred to in PTN for the improvement of Higher Education quality.
- (5) The Government provides incentives to Lecturers as referred to in subsection (4).
- (6) Further provisions on the assignment of Lecturers as referred to in subsection (4) and the provisions of incentives to Lecturers as referred to in subsection (5) shall be stipulated in the Government Regulation.

Article 71

- (1) PTN leader can appoint permanent Lecturers in accordance with the National Standards of Higher Education with the Government's approval.
- (2) PTN to provide basic salary and allowances to permanent Lecturers as referred to in subsection (1), in accordance with the provisions of legislation.
- (3) The Government provides academic position allowance, professional allowance, and/or honorary allowance to permanent Lecturers as referred to in subsection (1), in accordance with the provisions of legislation.
- (4) Further provisions on the appointment of permanent Lecturers in PTN as referred to in subsection (1) shall be stipulated in the Minister's Regulation.

Paragraph 2

Academic Position Levels

Article 72

- (1) Permanent lecturers' academic position levels consist of expert assistant, lecturer, head lecturer, and professor.
- (2) Non permanent lecturers' academic position levels shall be stipulated and decided by the Higher Education institutions.
- (3) Lecturers who have 10 (10) years of work experience as permanent lecturer and have scientific publication and hold doctoral degree or its equivalent, and have met the requirements can be proposed to be appointed as academic professor position level.
- (4) The retirement age limit for Lecturers who have held professor academic position is set to be 70 (seventy) years and the Government provides professional allowance and honorary allowance.
- (5) The Minister can appoint someone with outstanding competency as academic professor position level based on the Higher Education institution's proposal.
- (6) Provisions on the academic position levels as referred to in subsection (1), the professional allowance and honorary allowance as referred to in subsection (4) and the appointment of someone with outstanding competency as referred to in subsection (5) shall be stipulated in the Minister's Regulation.

Part Seven

Students' Affairs

Paragraph 1

Admission of New Students

Article 73

- (1) The admission of new Students of PTN for every Study Program can be conducted through the national Student admission process and in other forms.
- (2) The Government covers the cost of prospective Students who will participate in the national Student admission process.
- (3) The prospective Students as referred to in subsection (2) who have met the academic requirements must be admitted by the Higher Education Institution.

- (4) Higher Education Institution maintains the balance of the maximum number of Students in every Study Program and the capacity of infrastructure and facility, Lecturers and academic staff, and service and other education resources.
- (5) The admission of new Students of Higher Education Institution is an academic selection and is prohibited from being connected to commercial objectives.
- (6) The admission of new Students of PTS for every Study Program shall be stipulated by respective PTS or can follow the national new Student admission process.
- (7) Further provisions on the national new Student admission of PTN are regulation in the Minister's Regulation.

Article 74

- (1) PTN must search and select prospective Students who have high academic potentials with disadvantaged economic background and prospective Students from the foremost, the farthestmost and underdeveloped regions to fill at least 20% (twenty percent) of the total number of new Students admitted and spread in all Study Programs.
- (2) The Study Programs accepting prospective Students as referred to subsection (1) can receive educational assistance funds from the Government, the regional government, Higher Education Institution, and/or the Community.

Article 75

- (1) Foreign nationals can be admitted as Students in Higher Education Institution.
- (2) The admission of foreign Students as referred to in subsection (1) must meet the requirements of:
 - a. academic qualifications;
 - b. Study Programs;
 - c. number of Students; and
 - d. location of Higher Education institution.
- (3) Provisions on the requirements of foreign Students admission as referred to in subsection (2) shall be stipulated in the Minister's Regulation.

Paragraph 2

Fulfilment of Student's Rights

Article 76

- (1) The Government, the regional government, and/or Higher Education institution must fulfil the rights of Students who are economically disadvantaged to be able to complete their study in accordance with the academic regulations.
- (2) The fulfilment of rights of Students as referred to in subsection (1) is conducted by providing:
 - a. scholarships for outstanding Students;
 - b. assistance or exemption of Tuition fee; and/or
 - c. loans without interest that must be repaid after graduation and/or getting a job.
- (3) Higher Education Institution of Higher Education institution providers receive the payment partially paid by the Students to fund their study according to the ability of Students, parents or the party financing their study.
- (4) Further provisions on the fulfilment of Student's rights as referred to in subsections (1) to (3) shall be stipulated in the Minister's Regulation.

Paragraph 3

Student Organisations

Article 77

- (1) Students can establish Student organisations.
- (2) Student organisations at least have the functions of:
 - a. providing medium for Students' activities in developing Students' talents, interests, and potentials;
 - b. developing creativity, sensitivity, critical attitude, courage, and leadership and the sense of nationalism;
 - c. supporting Students' interests and welfare; and
 - d. developing the social responsibility through Community Service activities
- (3) The Student organisation as referred to in subsection (1) is an internal organisation of the Higher Education institution.
- (4) Higher Education Institution provides infrastructure and facility as well as funds to support Student organisation activities.

- (5) Other provisions on Student organisation shall be stipulated in the Higher Education institution statute.

Part Eight

Accountability of Higher Education Institution

Article 78

- (1) The accountability of Higher Education Institution is a form of responsibility of Higher Education Institution to the Community that consists of:
 - a. academic accountability; and
 - b. non-academic accountability.
- (2) The accountability of Higher Education Institution as referred to in subsection (1) must be realized with the fulfilment of the National Standards of Higher Education.
- (3) The accountability of Higher Education Institution as referred to in subsection (1) can be carried out through the annual reporting system.
- (4) The accountability of Higher Education Institution annual report is published to the Community.
- (5) The annual reporting system as referred to in subsection (3) shall be stipulated in accordance with the provisions of legislation.

Part Nine

Higher Education Institution Development

Paragraph 1

General

Article 79

- (1) The Government facilitates the cooperation amongst Higher Education Institutions and between Higher Education Institution and the private sector, the industry sector, alumni, the regional government, and/or other parties.
- (2) The Government develops the Higher Education Institution information management system.
- (3) The Government develops graduals guidance system through the cooperation among Higher Education Institutions.

- (4) The Government develops open learning sources that can be used by all Academic Society members.
- (5) The Government develops Higher Education Institution networks by using information technology.

Paragraph 2

Model of Higher Education Institution Development

Article 80

- (1) The Government gradually develops centre of excellence in Higher Education Institution.
- (2) The Government develops at least 1 (one) PTN in the form of University, Institute, and/or Polytechnics in every province.
- (3) The PTN as referred to in subsection (2) is organised based on Tridharma according to the region's superior potentials to support the national development needs.

Article 81

- (1) The Government and the regional government gradually develop at least 1 (one) Community Academy in the field suitable to the region's superior potentials in district/city and/or in the border areas.
- (2) The Community Academy as referred to in subsection (1) is organised based on the region's need to expedite the community advancement and welfare.

Article 82

Further provisions on the Higher Education Institution development as referred to in Articles 79 to 81 shall be stipulated in the Minister's Regulation.

CHAPTER V
FUNDING AND FINANCING

Part One
Funding Responsibility and Sources of Higher Education

Article 83

- (1) The Government provides Higher Education funds allocated in the State Budget.
- (2) The regional government can give support in the form of Higher Education funds allocated in the regional government Budget.

Article 84

- (1) The Community can participate in the Higher Education funding.
- (2) The Higher Education funding obtained from the Community as referred to in subsection (1) can be given to the Higher Education Institution in the form of:
 - a. grant;
 - b. *wakaf* [property donated for religious or community purposes];
 - c. alms;
 - d. offerings;
 - e. church's donation;
 - f. *punia* funds (holly giving in Hinduism beliefs)
 - g. individual and/or corporate donation;
 - h. Higher Education endowment funds; and
 - i. other forms in accordance with the provisions of legislation.

Article 85

- (1) Higher Education Institution can participate in the Higher Education funding through cooperation in the Tridharma implementation.
- (2) The Higher Education funding can also originate from the tuition fee paid by Students according to the ability of Students, parents or other parties financing their studies.

Article 86

- (1) The Government facilitates the private sector and the industry sector in actively providing funding assistance to Higher Education Institution.
- (2) The Government provides incentives to the private sector and the industry sector or the community members who give assistance or donation for the Higher Education delivery in accordance with the provisions of legislation.

Article 87

The Government and the regional government can give the right to manage state properties to Higher Education Institution for the Higher Education development in accordance with the provisions of legislation.

Part Two

Financing and Allocation

Article 88

- (1) The Government periodically sets a standard for Higher Education operational cost unit by taking into consideration:
 - a. achievement of the National Standards of Higher Education;
 - b. types of Study Program; and
 - c. regional expensiveness index.
- (2) The Higher Education operational cost unit standard as referred to in subsection (1) becomes the base for the budget allocation in the State Budget for PTN.
- (3) The Higher Education operational cost unit standard as referred to in subsection (2) is used by PTN to determine the costs to be paid by Students.
- (4) The costs paid by Students as referred to in subsection (3) must be adjusted to the economic ability of Students, parents or other parties funding their studies.
- (5) Further provisions on the Higher Education operational cost unit standard as referred to in subsection (1) shall be stipulated in the Minister's Regulation.

Article 89

- (1) The Higher Education Funds originating from the State Budget and/or the Regional Budget as referred to in Article 83 subsection (1) and subsection (2) are allocated to:
 - a. PTN as operational costs, lecturers and academic staff, and investment and development costs;
 - b. PTS as assistance for lecturer's professional allowance, professor's honorary allowance, and investment and development; and
 - c. Students as funding support to attend Higher Education.
- (2) The Higher Education Funds as referred to in subsection (1) letter a for PTN with legal entity are given in the form of subsidy and/or other forms in accordance with the provisions of legislation.
- (3) The funding form and mechanism in PTN with legal entity shall be stipulated with the Government Regulation.
- (4) The Higher Education Funds originating from the Regional Budget as referred to in subsection (1) are funding assistance provided by the regional government for the Higher Education organisation in their respective regions according to the region's ability.
- (5) The Government allocates PTN operational funding assistance from the education function budget.
- (6) The Government allocates at least 30% from the funds as referred to in subsection (5) for Research funds in PTN and PTS.
- (7) The Research funds as referred to in subsection (5) are managed by the Ministry.

CHAPTER VI

HIGHER EDUCATION DELIVERY BY FOREIGN INSTITUTION

Article 90

- (1) Foreign Higher Education Institution can deliver Higher Education in the territory of the Unitary Republic of Indonesia in accordance with the provisions of legislation.
- (2) The foreign Higher Education Institution as referred to in subsection (1) have already been accredited and/or recognised in its country.
- (3) The Government determines the region, types and Study Programs that can be organised by foreign Higher Education Institution as referred to in subsection (1).
- (4) The foreign Higher Education Institution as referred to in subsection (1) must:

- a. obtain the Government permit;
 - b. be non-profit;
 - c. cooperate with Indonesian Higher Education Institution with the Government permit;
and
 - d. prioritises lecturers and academic staff of Indonesian nationality.
- (5) The foreign Higher Education Institution as referred to in subsection (1) must support the national interest.
- (6) Further provisions on foreign Higher Education Institution as referred to in subsections (2) to (5) shall be stipulated in the Minister's Regulation.

CHAPTER VII

COMMUNITY PARTICIPATION

Article 91

The Community participates in the Higher Education development.

- (1) The Community participation as referred to in subsection (1) is carried out by:
- a. determining graduates' competency through professional organisations, the private sector and the industry sector;
 - b. awarding scholarships and/or education assistance to Students;
 - c. supervising and maintaining Higher Education quality through professional organisations or non-governmental organisations;
 - d. organising quality PTS;
 - e. developing Students' characters, interests, and talents;
 - f. providing internship and practice places for Students;
 - g. providing various assistance through corporate social responsibility;
 - h. supporting research and Community Service activities;
 - i. sharing resources for the implementation of Tridharma; and/or
 - j. other participatory actions in accordance with the provisions of legislation.

CHAPTER VIII

ADMINISTRATIVE SANCTIONS

Article 92

- (1) Higher Education Institution violating Article 8 subsection (3), Article 18 subsection (3), Article 19 subsection (3), Article 20 subsection (3), Article 21 subsection (4), Article 22 subsection (3),

Article 23 subsection (3), Article 24 subsection (4), Article 25 subsection (4), Article 28 subsection (3) or subsection (4), or subsection (5), or subsection (6), or subsection (7), Article 33 subsection (6), Article 35 subsection (3), Article 37 subsection (1), Article 41 subsection (1), Article 46 subsection (2), Article 60 subsection (5), Article 73 subsections (3) and (5), Article 74 subsection (1), Article 76 subsection (1), Article 78 subsection (2), and Article 90 subsection (5), will receive administrative sanctions

(2) The administrative sanctions as referred to in subsection (1) are:

- a. written warning;
- b. moratorium of education funding assistance from the government;
- c. moratorium of delivery of education;
- d. discontinued of supervision; and
- e. enacted of permit

(3) Further provisions on administrative sanctions as referred to in subsection (2) shall be stipulated in the Minister's Regulation.

CHAPTER IX

CRIMINAL PROVISIONS

Article 93

Individuals, organisations or Higher Education providers violating Article 28 subsection (6) or subsection (7), Article 42 subsection (4), Article 43 subsection (3), Article 44 subsection (4), Article 60 subsection (2), and Article 90 subsection (4) shall be subjected to a maximum criminal sentence of 10 (ten) years and/or a maximum fine of IDR 1,000,000,000 (one billion rupiah).

CHAPTER X
OTHER PROVISIONS

Article 94

The Higher Education Institution delivery by the other Ministries and LPNK shall be stipulated with a Minister's Regulation.

CHAPTER XI
TRANSITIONAL PROVISIONS

Article 95

Before an independent accreditation agency is established, the Study Program accreditation shall be conducted by the National Accreditation Body for Higher Education.

Article 96

The Higher Education service agency must have been established at the latest 2 (two) years since this Law is promulgated.

Article 97

When this Law takes effect:

- (1) The issued Higher Education institution establishment permit and the Study Program delivery permit shall remain valid.
- (2) The management of Higher Education institution must adjust to the provisions of this Law at the latest 2 (two) years since the Law is promulgated.
- (3) The management of State-owned Higher Education Institution with Legal Entity and State-owned Higher Education Institution with Legal Entity that has changed into Higher Education Institution delivered by the Government with the finance management model of general service agency shall be declared as PTN with Legal Entity and must adjust to the provisions of this Law at the latest 2 (two) years.
- (4) The management of State-owned Higher Education Institution with Legal Entity as referred to in subsection (3) follows the finance management model of general service agency until the issuing of the implementation regulations of this Law.

CHAPTER XII

CONCLUDING PROVISIONS

Article 98

- (1) The implementing regulations of this Law must be stipulated at least 2 (two) years since this Law is promulgated.
- (2) The Government regulation on the form and mechanism of PTN with Legal Entity shall be stipulated at least 1 (one) year since this Law is promulgated.

Article 99

When this Law takes effect, all implementing regulations of the Law Number 20 of 2003 on the National Education System (State Gazette of the Republic of Indonesia of 2003 Number 78, Supplement to State Gazette of the Republic of Indonesia Number 4301) concerning Higher Education shall remain valid as long as they do not contravene the provisions of this Law.

Article 100

This Law shall take effect on the day it is promulgated.

In order that every person may know of it, the promulgation of this Law is ordered by placement in the State Gazette of the Republic of Indonesia.

Ratified in Jakarta

on...

PRESIDENT OF THE REPUBLIC OF INDONESIA,

SUSILO BAMBANG YUDHOYONO

Promulgated in Jakarta

On...

MINISTER FOR LAW AND HUMAN RIGHTS OF THE REPUBLIC OF INDONESIA,

AMIR SJAMSUDDIN

STATE GAZETTE OF THE REPUBLIC OF INDONESIA YEAR... NUMBER...

The abovementioned draft Bill of the Republic of Indonesia on Higher Education and its Elucidation have been approved at the 35th Plenary Session of the People's Representative Council of Indonesia for the Session Period IV of 2011-2012 on 13 July 2012 to be ratified to become Law.

Jakarta, 13 July 2012

**PEOPLE'S REPRESENTATIVE COUNCIL
OF THE REPUBLIC OF INDONESIA
DEPUTY CHAIRMAN,**

Ir. H. TAUFIK KURNIAWAN, M.M.