



INDONESIA'S PATH TO HIGHER EDUCATION REFORM

By Patricia Puspitasari

Indonesia has one of the largest and fastest-growing economies in the region, with a vibrant and dynamic technology sector, a robust consumer market and enormous potential for growth. But despite the government's determination to encourage growth and investment through regulatory reform, it may never reach its full potential due to the lack of skilled labor caused by an educational system that has long been inward looking and mostly closed to the outside world. One of the least kept secrets in Indonesia is that large local and foreign companies, including some of the

country's best-known start-ups, are dependent on foreign-educated talent to manage their growth because the local talent pool is underdeveloped. This is a troubling situation.

Throughout the pandemic, Indonesia's start-up ecosystem not only survived, it thrived. With half of Southeast Asia's 12 unicorns based in Indonesia, the country's digital economy is on track to dominate the region. The e-Conomy SEA 2020 report by Google, Temasek and Bain & Company, estimates Indonesia's gross merchandise value

(GMV) in 2020 to be valued at \$44 billion and is predicted to reach up to \$124 billion by 2025, which is way ahead of its neighbors.¹ The digital ecosystem seems poised to drive Indonesia's economy in the future, however, digital growth may be held back due to the lack of properly trained workers, the report concludes.

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With the pandemic accelerating digitalization in everything from transport to personal finance and shopping, the very nature of the service sector is being transformed. Technological advancement has forced digital skills to become foundational skills that are essential for a wide range of job roles in virtually all industries. As some jobs are becoming redundant, new jobs with new skill requirements are constantly emerging.² In addition,

managers who understand how to manage change and solve problems in this environment are in great demand. Sadly, Indonesia seems to be facing enormous skill shortages just as these new skills become crucial to success. This is evident as currently only 25 percent of higher education graduates have a job that matches their expertise, and some have blamed the Indonesian educational curriculum for not meeting the needs of society.³

In putting together this report and Summit on higher education reform in Indonesia, the American Chamber of Commerce in Indonesia is responding to the frequent comments of our member companies as they seek qualified employees. Our partner, the United States Agency for International Development (USAID) has a longstanding commitment to educational assistance and partnership in Indonesia:

“ USAID supports Indonesia’s vision to strengthen training and vocational education; increase higher education partnerships; and leverage the skills, technologies and resources of the private sector to ensure sustainable and effective development. In doing so, USAID increases access to high-quality skills and vocational training to ensure that more young people are prepared to get jobs and contribute to the economy. We also provide expert assistance and support to Indonesia’s leading government scholarship program for promising scholars – the future leaders of Indonesia.⁴”



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Skills for growth

In a study conducted by Oxford Policy Management for UNICEF on the skills needed for the future in Indonesia, a recurring theme is that a major risk for employers is the gap between the skills taught in colleges and those required in the workplace. There is also an overall consensus by participating employers and recruitment agents that if adolescents are not skilled to adapt to a rapidly changing workplace, they could be at risk of unemployment.⁵ This indicates the need for higher quality tertiary education in Indonesia to ensure that future generations are equipped with the skills to support Indonesia's economy.

There are more than 4,500 higher education institutions in Indonesia, and they enroll close to 8 million students, yet quantity doesn't always equal quality.⁶ In 2019, only 96 of these institutions were able to receive the highest accreditation level in Indonesia, and there were some that did not have any accredited programs.⁷ Sadly, no Indonesian university ranks among the top 800 universities globally, according to the 2021 findings by the benchmark US News and World Report Global University Rankings and the Times (of London) World University Rankings. Under the US News ranking for Asia, the highest place for an Indonesian university was No. 181.

This lack of quality is only made worse by the sheer number of small private universities that cater to the growing demand for higher education.⁸ Currently 90 percent of higher education institutions in

Indonesia are privately owned and rely heavily on tuition fees, making it difficult to maintain higher quality standards. Other problems include inadequate management structures, facilities and teaching materials, along with a lack of research output.⁹ In today's more open regulatory environment, however, this is a window of opportunity for foreign investors seeking to partner with local institutions.

A regulatory way forward

Indonesia is quite literally a young nation, with the working age population expected to reach 70 percent of the total population by 2030.¹⁰ This "demographic bonus" has been a driving force in President Joko Widodo's emphasis on the development of human capital as one of the key priorities for his

second presidential term.¹¹ The president seems to view opening up the education sector as a way to accelerate Indonesia's development, not unlike what has happened in other countries like the UAE and Qatar. This shortcut approach can obviously be difficult for some entrenched government stakeholders to appreciate. The sentiment is further expressed by Minister of Education, Culture, Research and Technology Nadiem Makarim, the founder of the massively successful GoJek ride-sharing platform, who plans to transform education through his *Merdeka Belajar* (Freedom to Learn) program.¹²

One of the more welcome regulatory reforms has been the scrapping of the punitive Negative Investment List in favor of a more open Positive Investment List that does not have an ownership cap on higher education, meaning the sector

Nadiem Makarim





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should be open to 100 percent foreign ownership. Widodo and his administration attempted to go further by using the Omnibus Job Creation Law to ease other regulations in the university sector such as the requirement for foreign educational institutions to partner with local stakeholders to operate in Indonesia.¹³ Given the entrenched conservatism among many academics and the education bureaucracy, there was a fierce backlash against the proposed amendments, most of which were scrapped.¹⁴ Nevertheless, there is a way forward.

Over the years, Indonesia has slowly provided pathways for foreign participation. For instance, Chapter XVIII of Law 20/2003 (UU 20/2003) on National Education allows foreign stakeholders to invest in Indonesian education and conduct educational activities within the country.¹⁵ Then Law 12/2012 (UU 12/2012) on Higher Education provides the basic provisions for foreign higher education institutions to be established in Indonesia.

In considering the regulatory environment it should be noted that it is not always straight forward. A sector or activity may appear to be open but that can easily change due to sudden new regulations or uncooperative officials. It is wise to remain flexible and patient throughout the process of investing and to have good legal representation and seasoned advisors in Indonesia.

In order for greater openness and investment to succeed, the challenge will be not only to overcome the resistance of some



officials and educators, however, but also to develop mutually beneficial partnerships as mandated by the Higher Education Law. The government needs to develop a clear policy guiding partnerships to help local universities progress while also allowing foreign universities in Indonesia to thrive.

As the regulatory environment changes, government should be cautious not to repeat past errors that have excluded some stakeholders from the process. Foreign universities and the business sector should be consulted as regulations for higher education investment are planned. The government must proactively involve foreign universities and the business sector in drafting regulations related to higher education, including foreign university operations, and

research and lecturer permits. Without collaboration between all stakeholders, the government could reflexively make the environment overly restrictive, thus hampering investment.

In the most recent PISA, from 2018, Indonesia ranked 71st out of 77 countries



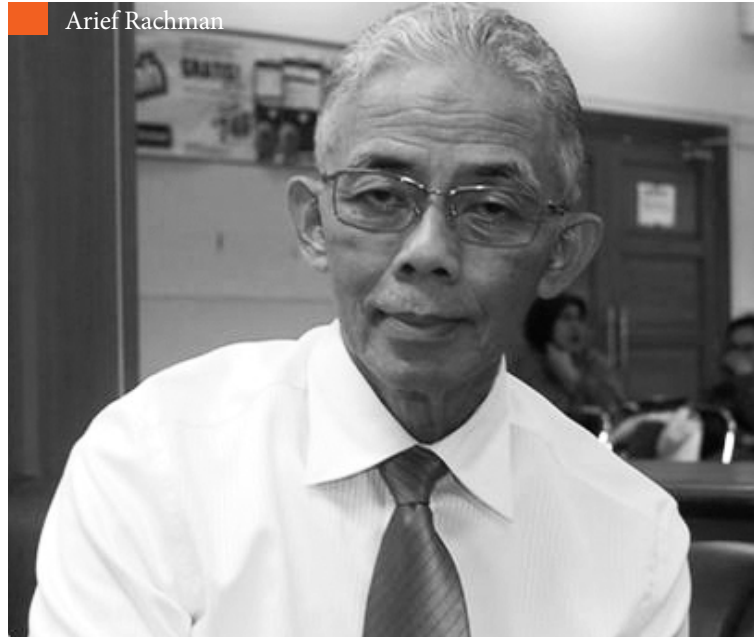
Looking for something better

The Program for International Student Assessment (PISA) is an international study initiated by the Organization for Economic Co-operation and Development (OECD) aimed at encouraging countries to learn from the experience of other countries in order to help build a better and more inclusive school system. Every three years, 15 year-old students from randomly selected schools take a diagnostic test consisting of three sections – reading, math, and science. In the most recent PISA, from 2018, Indonesia ranked 71st out of 77 countries, far below neighboring countries such as Malaysia and Brunei. China and Singapore ranked first and second, respectively; only the Philippines scored lower among Asia-Pacific countries.¹⁶

Education observer and critic Budi Trikorayanto, the head of the Home

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School and Alternative Education Association (AsahPena), sees at least three problems in Indonesian education that may be behind the low rankings. According to Budi, Indonesia remains stuck in the feudalistic factory-like era of education 2.0, while it is imperative to advance to education 4.0,¹⁷ which integrates technology into the curriculum, and personalizes education to suit the capabilities of the student.¹⁸ Budi believes students will succeed more if they learn things that are relevant to their interests and talents. This is also one reason why Indonesian students seek to study abroad.

The Executive Chairman of the Indonesian National Commission for UNESCO at the Ministry of Education and Culture, Arief Rachman, explained that Indonesian students go abroad because they see the advantages of systems and fields of study in foreign institutions. In effect, they find the opportunities

in Indonesia limited in terms of approach, availability of programs and institutional capacity.¹⁹

Bridging the gap

As previously mentioned, the mismatch of skills between what is taught and what is needed by the current employment market is concerning. The OPML report also indicates that employers are concerned that adolescents may not find jobs if they are not equipped for the ever-changing work environment. However, the report also introduces several recommendations to combat the problem. A key finding from the study is that financial constraints have been a hindrance to skill acquisition and suggests strengthening alternative forms of education. The OPML also indicates that location matters in skill acquisition, and recommends region specific-skills development strategies.²⁰



A potential solution is to incorporate something close to the state university system in the United States. State universities receive subsidies from their respective state governments as well as the federal government, which allows them to take in more applicants at a lower tuition cost than private universities.²¹

The California State University (CSU) system, for example, has 23 campuses and educates nearly 500,000 students every year.²² The system aims to provide specific professional goals, broad liberal education and opportunities for graduates to contribute to California's economy.²³ The system also helps drive the state's economic growth, supporting over 150,000 jobs and generating spending of more than \$17 billion. For every \$1 the state of California invests in the state university system, \$6.98 of industry activity is stimulated in the state; this rises to \$29.90 in total economic activity when factoring in the earnings of CSU alumni.²⁴ In Indonesia, a region-based academic system could help drive economic growth and ensure students obtain skills that suit the areas where they reside.

Another alternative is to develop a community college system similar to those that exist in the US. Community colleges are two-year schools that provide affordable collegiate studies as a pathway to a four-year degree elsewhere. Community colleges also offer a range of noncredit programs, such as English as a second language and cultural activities, as well as workforce development and skills training. The specialized schooling provided by a community college allows students to train in response to a rapidly changing workforce at about a third of the price of a four-year public university program.²⁵ Many subjects, including computer technology and electronics, are

covered by community colleges' professional and short-term certifications. According to the American Association of Community Colleges, community colleges awarded 549,149 certificates in 2016-2017.²⁶ A community college system could help provide a cheaper alternative at a time when numerous students are stressed about the affordability of higher education and their employment prospects due to the Covid-19 pandemic.²⁷

Demand for foreign education

In 2017, the AFS International Programs, formerly American Field

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Service (AFS), surveyed over 5,000 Indonesian students aged 13-18 regarding their attitudes toward international education programs. The study, “Mapping Generation Z in Indonesia,” found that 81 percent of respondents have considered studying abroad and a majority are highly motivated to go abroad in order to advance their academic careers.²⁸ This can be reflected in the increase of Indonesian students that go abroad, which has increased by 21 percent within the past few years.²⁹ The US Commercial Service estimates that over 69,000 Indonesian students studied abroad in the 2018/2019 academic year, with more than 9,000 going to the US; it is believed that Indonesian student outbound mobility will continue to grow despite the problem of affordability.

AFS research indicates, however, that 45 percent of respondents cannot afford to study abroad without a full-scholarship, and 80 percent are highly influenced by price.³⁰ In response, the Indonesian government has developed programs to help students study abroad. The Indonesia Endowment Fund for Education (LPDP) under the Ministry of Finance, offers a range of highly competitive scholarships for Indonesians interested in pursuing a masters or doctorate abroad; LPDP has also funded a new initiative of the education ministry, the Indonesian International Student Mobility Award (IISMA) that serves undergraduate student exchanges.

The ministry created IISMA as part of Nadiem’s *Merdeka Belajar* program.³¹ IISMA opened its registration process in April

2021 and is expected to fly out students by September 2021. IISMA has joined hands with several US universities, including Boston University, the University of Pennsylvania and the University of California, Davis. These two programs show there is demand, and the government is willing to be involved but the number of students reached remains small, with fewer than 2,000 LPDP scholars entering the program annually.

Closer to home

Even though Indonesian students would like to continue their studies abroad, many also are not happy with the prospect of being far away from home. The AFS study revealed that personal security issues top the list of concerns for 47 percent of Indonesian students, followed by fear of homesickness at 46 percent.³² This underlines what should be a competitive advantage

for foreign educational institutions if they locate in Indonesia. It is starting to happen.

As part of the Indonesia-Australia Comprehensive Economic Partnership Agreement (IA-CEPA), Monash University has established an Indonesia campus in Bumi Serpong Damai (BSD City).³³ The university received its license from the education and cultural ministry last year and will have its first student intake in October. Currently there are only four master's degree programs, but the school hopes to expand its programs in the future. Monash also plans to actively participate in existing research collaborations, such as the Settlements and Their Environments (RISE) program in Makassar and the World Mosquito Program (WMP) in Yogyakarta.³⁴

Education technology (EdTech) has also been changing the landscape in Indonesia. With the Covid-19



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pandemic closing over 630,000 schools across the nation impacting more than 68 million Indonesian students, it has become apparent that there is a great need for effective EdTech. For instance, Indonesian EdTech firms Zenius and Quipper hosted over 1 million students within the first two months of social distancing restrictions.³⁵ Once reluctant educators and parents are now reliant on online and distance education, and the World Bank expects the pandemic to accelerate online learning practices.³⁶

Challenges

With a large and highly motivated younger generation, Indonesia's education sector has immense potential for investment and growth. Particularly in tertiary education, Indonesian education must improve if the country is going to take advantage of its demographic bonus. The hidebound “yes, teacher” approaches of the past



Hariadi Kartodihardjo

are not getting the job done. Under President Widodo, the government has made strides to invite foreign educational stakeholders into the mix as a way to boost local educational standards, however, there are many who remain opposed to the idea. Hariadi Kartodihardjo, a member of the Board of Professors at Bogor Agricultural University, spoke for many when he argued against including education in the Omnibus Job Creation Law, saying that it is not a matter of opening investment to foreign universities, but rather focusing on universities conducting research and development, and partnering with businesses.³⁷ To avoid greater resistance, the government must reassure local stakeholders

of the long-term benefits that foreign investment would have on Indonesian education, business and the country as a whole.

In short, Indonesia has a vast potential market of students and an economy that needs modern graduates ready for an ever-changing economy. The feeling that foreign educational ideas are a threat must be overcome. When that happens, the entire system will benefit.

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INDONESIA'S REGULATORY ROADMAP FOR FOREIGN INVESTMENT IN EDUCATION

Several key regulations that impact foreign education in Indonesia are summarized below (please note that this is only to provide some guidance on the subject matter and should not be taken as legal advice).

<u>Situation</u>	<u>Relevant Regulation</u>
Does the Indonesian government allow foreign investment in tertiary education?	<p>Presidential Regulation 10/2021 (PerPres 10/2021) on Investment Sectors</p> <p>Article 2 (1) and 7. The higher education ownership cap was not included in the Positive Investment List, which we interpret as meaning that it is now open for 100 percent foreign ownership, provided that investors are able to invest at least Rp 10,000,000,000 (excluding land and buildings) unless specifically exempted.</p>
Are foreign educational activities allowed in Indonesia?	<p>Law 20/2003 (UU 20/2003) on National Education</p> <p>Article 65. Foreign educational institutions are allowed to conduct educational activity on the premise that:</p> <ul style="list-style-type: none">• (1) It is an accredited or recognized institution.• (2) At the primary and secondary level, they are required to provide religion and citizenship education.• (3) Must conduct partnership with Indonesian educational institutions and educators.• (4) Must be carried out in accordance with prevailing laws and regulations.
Are foreign-owned universities allowed in Indonesia?	<p>Law 12/2012 (UU 12/2012) on Higher Education</p> <p>Article 90. The article allows foreign higher education institutions to open in Indonesia, as long as they are in accordance with the relevant provisions and regulations.</p> <p>The Minister of Research, Technology and Higher Education Regulation 53/2018 (Permenristekdikti 53/2018) on Foreign Higher Education (PTLN)</p> <p>Article 3 (1). Foreign Higher Education Institutions can be established in special economic zones based on permission from the Minister.</p> <p>The regulation also serves as a technical guideline for establishing a foreign-owned university in Indonesia. Details on the requirements can be found below.</p>



Situation

Relevant Regulation

Requirements for foreign-owned universities?

Minister of Research, Technology and Higher Education Regulation 53/2018 (Permenristekdikti 53/2018) on Foreign Higher Education (PTLN)

Article 3 (1-4). Foreign universities can be established in a special economic zone based on a permit from the Minister. The institution must be accredited and/or recognized in its home country, be a non-profit entity (yayasan) and rank in the top 200 globally (based on the Ministry's assessment).

Article 4 (1). The foreign university must also collaborate with Indonesian universities with the Minister's permission in the fields of academics, research and innovation for society and industry.

Overview of the requirements for foreigners to start a foundation (yayasan) in Indonesia to operate an educational institution

Law 16/2001 (UU 16/2001) on Foundations (Yayasan)

Article 9 (5). This article acknowledges that foreigners can, either alone or in cooperation with a local party, establish a yayasan in Indonesia. Government Regulation 63/2008 (UU 63/2008) on Implementation of the Law of Foundations (Yayasan)

Article 11. Provides the minimum documentation to establish a yayasan:

- Proof of the founder(s) identity, which can be in the form of a valid passport.
- Initial assets of at least Rp 100 million, that is separate from the founder's personal assets and accompanied by a statement letter regarding the assets validity.
- A statement letter from the founder that the yayasan's activities shall not harm the community or the country.

Article 12 (1-3). Either the chairman, secretary or treasurer of the yayasan must be of Indonesian nationality. All officers must reside in Indonesia and foreign executives must hold a temporary residence permit (KITAS).

Curriculum requirements

Minister of Research, Technology and Higher Education Regulation 53/2018 (Permenristekdikti 53/2018) on Foreign Higher Education (PTLN)

Article 4:

- (2) Foreign universities must conduct at least two study programs in STEM fields (science, technology, engineering, and mathematics).
- (3) Curriculum must be in accordance with the curriculum from the country of origin and the national compulsory curriculum.
- (4) Integrate four national courses: religion, Indonesian language, Pancasila and citizenship.

Article 5 (2): Foreign universities can provide subjects that are unavailable in Indonesia or have become a national priority.



Situation

Relevant Regulation

Requirements for joint programs

Minister of Research, Technology, and Higher Education Regulation 52/2018 (Permenristekdikti 52/2018) on Procedures for Establishing Private Universities, Opening of Study Programs, and Cooperation on Joint Programs in Private Universities

Article 8. The article stipulates that institutions must at least have a B level accreditation to be able to conduct a joint program, and the foreign higher education study program must be of good standing within their country. Other requirements include:

- Have a combined curriculum, provided that it comprises at least 50 percent of the domestic curriculum.
- Have enough lecturers and adequate facilities.
- Have a Diploma Supplement (SKPI).

Can subjects be taught in languages other than Bahasa Indonesia?

Law 12/2012 (UU 12/2012) on Higher Education

Article 37 (3): Foreign languages can be used as a language of instruction in higher education institutions.

Are foreign lecturers allowed?

Minister of Research, Technology, and Higher Education Regulation 53/2018 on Foreign Higher Education (PTLN)

Article 6 (2). It is stipulated that lecturers and staff could be of Indonesian or foreign nationality.

Requirements for lecturers

Law 14/2005 (UU 14/2005) on Teachers and Lecturers

Article 45. Lecturers are required to have academic qualifications, competencies, and certificates; be physically and mentally healthy, and meet other qualifications as required by the higher education institution where they work.

Article 46. Prospective lecturers need to have a degree from an accredited institution and have exceptional credentials. However, this will be determined by each higher education unit's academic senate.

Article 47. The educator certificate will be given on the grounds that they have a minimum of two years' experience, an academic position of expert, and pass the certification of the education personnel procurement program.



Situation

Relevant Regulation

Additional requirements for foreign lecturers

Minister of Research, Technology, and Higher Education Regulation 26/2015 (Permenristekdikti 26/2015) on Registration of Educators at Higher Education Institutions

Article 1 (7) and Article 6 (1). Special Lecturer Identification Number (NIDK), is issued by the ministry for lecturers appointed by universities.

Article 7. Lecturers can receive an NIDK, as long as they have been appointed as a permanent lecturer, and have the academic qualifications as stipulated in relevant laws and regulations. The article also reiterates that lecturers can be of a foreign nationality.

Article 7 (3). However, foreign lecturers have a few additional requirements:

- **(a)** Have a work permit.
- **(b)** Position must be at least at the level of an associate professor.
- **(c)** Have three publications in reputable international journals.

University establishment procedures

Minister of Research, Technology and Higher Education Regulation 53/2018 (Permenristekdikti 53/2018) on Foreign Higher Education (PTLN)

Article 8 (1). The establishment of Foreign universities can be done through the following procedures:

- **(a)** Foreign universities must fulfill the commitments as required by the Online Single Submission (OSS) agency.
- **(b)** Obtain a Business Identification Number (NIB) from the OSS.
- **(c)** Upload all the required documents via a website set by the relevant ministry.
- **(d)** The Ministry will then verify the sent documents within 30 days.
- **(e)** After the documents have been verified, the Ministry will either grant the permit or reject the application.



Situation

Updates on the education sector from the Omnibus Job Creation Law?

Relevant Regulations

Relevant Regulation

Law 11/2020 (UU 11/2020) on Job Creation

Article 65 (1-2): The implementation of licensing in the education sector can be carried out through Business Licensing. Further provisions will be elaborated in a government regulation.

Appendix. The provision generally does not apply to the education sector, except for formal educational institutions in special economic zones that are regulated separately.

Because this Law adheres to the idea that education administration is non-profit, it cannot be compared to management of business activity. As a result, the requirements differ from business licensing for profit-oriented activities.

Education in general:

- Law 20/2003 (UU 20/2003) on National Education
- Law 14/2005 (UU 14/2005) on Teachers and Lecturers

Specifically on higher education:

- Law 12/2012 (UU 12/2012) on Higher Education
- Minister of Research, Technology and Higher Education Regulation 53/2018 (Permenristekdikti 53/2018) on Foreign Higher Education (PTLN)
- Minister of Education and Culture Regulation 7/2020 (Permendikbud 7/2020) on the Establishment, Amendment, Dissolution of State Universities, and the Establishment, Amendment, and Permit Revocation of Private Universities
- Minister of Research, Technology, and Higher Education Regulation 26/2015 (Permenristekdikti 26/2015) on Registration of Educators at Higher Education Institutions

Starting a foundation (yayasan):

- Law 16/2001 (UU 16/2001) on Foundations (Yayasan)
- Law 28/2004 on the Amendments to Law 16/2001 on Foundations
- Government Regulation 63/2008 (UU 63/2008) on Implementation of the Law on Foundations (Yayasan)



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