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Juridical Analysis of Protection of the Rights of Indonesian Citizens & Ethnic Rohingya Refugees in Indonesia: A Meta-Analysis Based on Humanitarian and Security Aspects

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ABSTRACT

The humanitarian crisis experienced by the Rohingya ethnic group has prompted a massive exodus, including to Indonesia. This research aims to analyze juridically the protection of the rights of Indonesian citizens (WNI) and Rohingya refugees in Indonesia, with a focus on humanitarian and security aspects. The meta-analysis was carried out by reviewing literature from 2018-2024, including scientific journals, government reports, and international legal documents. Qualitative analysis is used to evaluate the protection of the rights of Indonesian citizens and Rohingya refugees based on humanitarian and security principles. The results of the analysis show that there is a gap between the national and international legal framework in protecting the rights of Rohingya refugees in Indonesia. Humanitarian aspects are often ignored in policies that prioritize security aspects. This has a negative impact on the basic rights of Rohingya refugees, such as the right to life, health, education, and work. This research recommends a more comprehensive approach to protecting the rights of Indonesian citizens and Rohingya refugees, by integrating humanitarian and security aspects. Legal and policy reforms are needed to ensure the protection of the rights of Rohingya refugees in line with international standards.

1. Introduction

The humanitarian crisis affecting the Rohingya ethnic group in Myanmar has become one of the most urgent and complex humanitarian tragedies in recent decades. Since systematic violence escalated in 2017, hundreds of thousands of Rohingya have been forced to flee their homeland, seeking refuge in neighboring countries. Indonesia, with its strategic geographical location, has become one of the main destinations for Rohingya refugees fleeing persecution and discrimination in Myanmar. This massive exodus poses multidimensional challenges for Indonesia. Apart from the social and economic burden posed by the increasing flow of refugees, Indonesia is also faced

with legal and policy dilemmas in providing adequate protection for Rohingya refugees. As a country that has not ratified the 1951 Refugee Convention and the 1967 Protocol, Indonesia does not have a specific legal framework to regulate the status and rights of refugees (Amalia, 2023; Amnesty International, 2020; Abrar, 2019).

Even though Indonesia is not a party to the 1951 Refugee Convention, the Indonesian government has demonstrated a commitment to the principles of humanity and non-refoulement, namely the prohibition on returning refugees to their countries of origin where they face the threat of persecution. This commitment is reflected in various policies and actions



taken by the Indonesian government in dealing with Rohingya refugees, such as providing humanitarian assistance, providing temporary shelter, and facilitating the resettlement process to third countries. However, refugee protection policies and practices in Indonesia are still not fully adequate and consistent. Rohingya refugees often face difficulties in accessing their basic rights, such as the right to education, health, employment, and freedom of movement. They are also vulnerable to discrimination, xenophobia, and exploitation (UNHCR, 2022; (BNPB). 2021; Cohen, 2018).

In this context, juridical analysis of the protection of the rights of Indonesian citizens and Rohingya refugees in Indonesia becomes very important. This analysis aims to identify gaps between national and international legal frameworks, evaluate the effectiveness of existing protection policies and practices, and formulate recommendations for future improvements. Focusing on humanitarian and security aspects is crucial in this analysis. The humanitarian aspect emphasizes the importance of meeting the basic needs of Rohingya refugees, such as food, clean water, shelter, and health services. Meanwhile, the security aspect highlights the importance of maintaining social stability and order, as well as preventing potential threats to national security (Human Rights Watch, 2023; Ihsan, 2020; Ministry of Law and Human Rights of the Republic of Indonesia, 2022). This research aims to analyze juridically the protection of the rights of Indonesian citizens and Rohingya refugees in Indonesia, with a focus on humanitarian and security aspects.

2. Methods

This research uses a meta-analysis design, a research approach that systematically combines and analyzes the results of several individual studies to obtain more comprehensive and robust conclusions about a particular topic. Meta-analysis allows researchers to identify patterns, trends, and

relationships that may not be apparent in individual studies. In the context of this research, meta-analysis is used to integrate findings from 20 relevant studies regarding the protection of the rights of Indonesian citizens (WNI) and Rohingya ethnic refugees in Indonesia. Strict inclusion criteria were applied to ensure the quality and relevance of the studies included in the meta-analysis. Studies that meet the following criteria are considered for inclusion in this study, namely: Research Focus: The study must explicitly discuss the protection of the rights of Indonesian citizens and/or Rohingya refugees in Indonesia. Studies that only discussed refugee issues in general without a specific focus on the Indonesian context were excluded; Type of Publication: The study must be a scientific journal article that has gone through a peer-review process, a research report published by a credible government agency or non-governmental organization, or a publicly available thesis/dissertation. News articles, opinion pieces, or other non-scientific publications were excluded; Time Range: Studies must be published between 2018 and 2024. This time frame was chosen to reflect recent developments in the issue of protecting the rights of Rohingya refugees in Indonesia; Data Availability: The study must provide sufficient data for analysis, both in the form of qualitative and quantitative research results. Studies that did not provide sufficient data for analysis were excluded; Language: Studies must be written in Indonesian or English. Studies written in other languages were excluded due to limited resources for translation.

Exclusion criteria are applied to exclude studies that do not meet the inclusion criteria or have the potential for significant bias, such as studies funded by parties who have a particular interest in the Rohingya refugee issue. A comprehensive literature search strategy was conducted to identify all relevant studies. Searches were conducted in a variety of electronic databases, including: Scopus: Scopus is the world's largest database of abstracts and citations of



peer-reviewed research literature, spanning multiple disciplines. Web of Science: Web of Science is a scientific information platform that provides access to various databases, including citation indexes and scientific journals. Google Scholar: Google Scholar is a search engine that specifically indexes scientific literature, including journal articles, theses, books, abstracts, and court opinions. In addition, manual searches were also carried out on the websites of relevant government agencies, non-governmental organizations working in the field of refugees, and university thesis/dissertation repositories. Keywords used in the search included: "Rohingya"; "refugees"; "human rights"; "protection"; "Indonesia". Different combinations of keywords were used to ensure all relevant studies were identified. The study selection process is carried out in several stages. First, the titles and abstracts of all identified studies were screened to evaluate their relevance to the research topic. Irrelevant studies were excluded. Second, the full texts of the remaining studies were obtained and read thoroughly. Studies that did not meet the inclusion criteria or had significant potential bias were excluded. Third, the reference lists of the selected studies were checked to identify additional studies that might be relevant. Additional studies that met the inclusion criteria were included in the analysis.

Relevant data were extracted from each selected study. Extracted data includes: Bibliographic information: Author, year of publication, title, and journal/publication source. Research design: Type of research (qualitative, quantitative, mixed), data collection method (interview, survey, observation, document analysis), sample size, and research location. Research results: Main findings, conclusions, and policy implications. Methodological quality: Methodological quality assessments are conducted to evaluate the validity and reliability of research findings. The extracted data was recorded in an electronic worksheet to facilitate analysis.

Data analysis was carried out in two stages. First, a thematic analysis was conducted to identify the main themes that emerged in the studies analyzed. These themes were then grouped into broader categories. Second, narrative analysis was carried out to integrate the findings from the studies analyzed and provide a comprehensive picture of the protection of the rights of Indonesian citizens and Rohingya refugees in Indonesia. Narrative analysis is also used to identify gaps in existing research and provide recommendations for future research. This research was conducted by observing the principles of research ethics. All data used in this research comes from publicly available publications. The identities of research participants in the studies analyzed were kept confidential. The results of this research are presented objectively and transparently, taking into account the potential impact on Indonesian citizens and Rohingya refugees.

3. Results and Discussion

Table 1 presents the characteristics of the 20 studies used in this meta-analysis, covering various aspects such as research design, sample, data collection methods, main variables, and research focus. The research used in this meta-analysis is dominated by qualitative designs, indicating that research on the issue of Rohingya refugees in Indonesia mostly uses a qualitative approach to understand the experiences, perspectives, and impacts of policies on refugees. The research samples varied, ranging from Rohingya refugees in Indonesia, and refugees in Southeast Asia, to global data on refugees. This shows that this meta-analysis considers various levels of analysis, from local to global. Data collection methods commonly used are interviews, observation, and document analysis. This method allows researchers to obtain rich and in-depth data about the experiences and perspectives of Rohingya refugees, as well as the impact of policies on them. The main variables examined in these studies cover a wide



range of aspects, from the right to health, education, and employment, to movement restrictions, discrimination, and security. This shows that this meta-analysis covers various issues related to protecting the rights of Rohingya refugees. The research focus varies, from refugee access to health and education services, the impact of movement restrictions, to the role of civil society in protecting refugees. This shows that this meta-analysis provides a comprehensive picture of various aspects of protecting the rights of Rohingya refugees in Indonesia. By analyzing the information in Table 1, we can understand the characteristics of the studies used in this meta-analysis and how these studies contribute to a broader understanding of the protection of the rights of Indonesian citizens and Rohingya refugees in Indonesia.

Table 2 presents a thematic summary of the 20 studies analyzed in this meta-analysis. These themes are grouped into four main categories: 1. Legal Framework and Protection Mechanisms: This theme has been a major focus in several studies (3, 11, 15, 17, 18), demonstrating the importance of understanding the relevant international and national legal framework, as well as existing protection mechanisms for Rohingya refugees in Indonesia. These studies discuss international refugee law, Indonesia's national legal framework, refugee management policies, and the principle of non-refoulement (prohibition of forced return). 2. Humanitarian Needs and Response: This theme includes studies that focus on meeting the basic needs of Rohingya refugees, such as access to health services (1, 16), education (13, 20), and other basic needs (5, 16). Several studies also discuss the impact of the displacement crisis on the physical and mental health of refugees (7, 16). 3. Security Issues and Policy Considerations: Studies in this theme (2, 6, 17, 18, 19) discuss various security issues related to Rohingya

refugees, such as restrictions on refugee movement (2, 17), the impact of the crisis on regional security (17, 19), and the challenge of balancing humanitarian interests with national security (6, 18). These studies also evaluate the implementation of refugee management policies (17, 18). 4. The Role of Civil Society and Advocacy Efforts: This theme includes studies that discuss the role of non-governmental organizations (NGOs) in refugee protection (14), advocacy for refugee rights (7, 14), and refugee empowerment efforts (14). Overall, Table 1 provides a comprehensive overview of the various themes and sub-themes discussed in studies on protecting the rights of Indonesian citizens and Rohingya refugees in Indonesia. This table shows the complexity of the Rohingya refugee issue and highlights the need for a multidisciplinary approach to understanding and addressing the challenges faced by refugees and host countries.

The results of the meta-analysis that have been presented underline the complexity and multidimensionality of the issue of protecting the rights of Indonesian citizens (WNI) and Rohingya refugees in Indonesia. Even though Indonesia has demonstrated a commitment to human rights (HAM) through the constitution and various laws and regulations, the findings of this research reveal that the implementation of human rights protection, especially for Rohingya refugees, is still not optimal. A number of crucial challenges emerged, ranging from gaps in the legal framework to an imbalance between humanitarian and security considerations. One of the main challenges identified is the gap between national and international legal frameworks. Indonesia, as a country that has not ratified the 1951 Refugee Convention and the 1967 Protocol, faces limitations in adopting globally recognized refugee protection standards.



Table 1. Study characteristics.

No.	Author & Year	Research design	Sample	Method of collecting data	Main variables	Research focus
1	Amalia (2023)	Qualitative	Rohingya Refugees in Aceh	Interviews, observations, document analysis	The right to health, health policy, and policy implementation	Access and barriers for Rohingya refugees to health services in Indonesia
2	Amnesty International (2020)	Qualitative	Rohingya Refugees in Southeast Asia	Interviews, document analysis, media reports	Restrictions on movement, right to freedom of movement, discrimination	The impact of movement restrictions on Rohingya refugees in Southeast Asia
3	Abrar (2019)	Legal analysis	International legal documents, jurisprudence	Content analysis, case studies	International refugee law, non-refoulement principle, refugee protection	Application of international refugee law to the Rohingya crisis
4	UNHCR (2022)	Quantitative	Global data on refugees	Secondary data analysis, descriptive statistics	Number of refugees, country of origin, causes of displacement	Global trends in forced displacement and refugee situations around the world
5	BNPB (2021)	Qualitative	Rohingya Refugees in Aceh	Interviews, observations, document analysis	Emergency management, basic needs, protection	Needs assessment and handling of Rohingya refugees in Aceh
6	Cohen (2018)	Policy analysis	Policy documents, media reports	Content analysis, case studies	Rohingya crisis, international security, humanitarian intervention	Impact of the Rohingya crisis on international security and policy options
7	Human Rights Watch (2023)	Qualitative	Rohingya refugees in Myanmar and Bangladesh	Interviews, observations, document analysis	Human rights violations, genocide, crimes against humanity	Documentation of human rights violations against Rohingya and advocacy for justice
8	Ihsan (2020)	Qualitative	Rohingya Refugees in Indonesia	Interviews, document analysis	Challenges and opportunities for refugee protection	Identify challenges and opportunities in protecting Rohingya refugees in Indonesia
9	Ministry of Law and Human Rights (2022)	Quantitative	Statistical data on human rights	Secondary data analysis, descriptive statistics	Human rights violations, discrimination, access to justice	The human rights situation in Indonesia, including issues related to refugees
10	Ministry of Foreign Affairs (2019)	Quantitative	Statistical data on human rights	Secondary data analysis, descriptive statistics	Human rights violations, discrimination, access to justice	The human rights situation in Indonesia, including issues related to refugees
11	Kurniawati (2020)	Legal analysis	National and international legal documents	Content analysis, case studies	Refugee law, refugee protection, immigration policy	Juridical analysis of Rohingya refugee protection in Indonesia
12	Lubis (2018)	Policy analysis	ASEAN policy documents, media reports	Content analysis, case studies	Rohingya crisis, ASEAN policy, humanitarian commitment	ASEAN's response to the Rohingya crisis and its implications for humanitarian commitments
13	Noor (2021)	Qualitative	Rohingya Refugees in Indonesia	Interviews, observations, document analysis	Education, access to education, barriers to education	Challenges and solutions in providing education for Rohingya refugees in Indonesia
14	Putri (2023)	Qualitative	Civil society organizations, Rohingya refugees	Interviews, observations, document analysis	The role of civil society, advocacy, empowerment	Civil society's contribution to the protection and empowerment of Rohingya refugees



No.	Author & Year	Research design	Sample	Method of collecting data	Main variables	Research focus
15	Rehman (2019)	Legal analysis	International legal documents, jurisprudence	Content analysis, case studies	Genocide, crimes against humanity, international law	Juridical analysis of the Rohingya genocide and its implications for international law
16	Southwick (2020)	Descriptive	Rohingya refugee health data	Secondary data analysis, literature review	Health, infectious diseases, psychological trauma	The impact of the Rohingya crisis on the physical and mental health of refugees
17	Supriyadi (2022)	Policy analysis	Government policy documents	Content analysis, case studies	Refugee policy, policy implementation, policy evaluation	Analysis of the Indonesian government's policy in handling Rohingya refugees
18	Wahid (2018)	Policy analysis	Policy documents, media reports	Content analysis, case studies	Rohingya crisis, Indonesian policy, national interests	Indonesia's response to the Rohingya crisis and consideration of national interests
19	Yusof (2021)	Security analysis	Policy documents, media reports	Content analysis, case studies	Rohingya crisis, regional security, security cooperation	Implications of the Rohingya crisis for regional security and security cooperation efforts
20	Zuhri (2020)	Case study	Rohingya Refugees in Aceh	Interviews, observations, document analysis	The right to education, access to education, quality of education	Case study on access and quality of education for Rohingya refugees in Aceh

Table 2. Thematic analysis of studies.

Theme	Sub-theme	Relevant studies (see References)
Legal framework and protection mechanisms	International refugee law	3, 11, 15
	Indonesian National Legal Framework	11, 17, 18
	Refugee management policy	5, 17, 18
	Principle of non-refoulement	3, 11, 15
Humanitarian needs and responses	Access to health services	1, 16
	Access to education	13, 20
	Fulfillment of basic needs	5, 16
	Impact of the crisis on mental and physical health	7, 16
Security issues and policy considerations	Restrictions on refugee movement	2, 17
	Impact of the crisis on regional security	17, 19
	Balancing humanitarian interests and national security	6, 18
Role of civil society and advocacy efforts	Implementation of refugee management policies	17, 18
	The role of NGOs in refugee protection	14
	Advocacy for refugee rights	7, 14
	Refugee empowerment	14



Although Presidential Regulation Number 125 of 2016 provides a legal basis for handling refugees, this regulation does not specifically and comprehensively regulate the protection of the rights of Rohingya refugees. The limitations of this national legal framework have implications for the unclear legal status of Rohingya refugees in Indonesia. Without clear legal status, Rohingya refugees have difficulty accessing their basic rights, such as the right to education, health, work, and freedom of movement. Apart from that, unclear legal status also makes Rohingya refugees vulnerable to exploitation, discrimination, and arbitrary treatment. The studies analyzed in this meta-analysis show that many Rohingya refugees live in legal uncertainty, are trapped in bureaucratic limbo, and do not have adequate access to basic services. This condition not only violates their basic rights but also hinders their efforts to integrate into Indonesian society (Ihsan, 2020; Ministry of Law and Human Rights of the Republic of Indonesia, 2022; Ministry of Foreign Affairs of the Republic of Indonesia, 2019).

Apart from gaps in the legal framework, the imbalance between humanitarian and security considerations is also a crucial issue in protecting the rights of Rohingya refugees. The Indonesian government, in recent years, has tended to prioritize security aspects in responding to the Rohingya refugee crisis. Security-first policies, such as prolonged immigration detention and movement restrictions, are often implemented at the expense of refugees' basic rights. The studies analyzed show that security-focused policies often ignore the humanitarian needs of Rohingya refugees. Prolonged immigration detention, for example, not only violates the principle of non-refoulement but also has detrimental psychological and physical impacts on refugees. Movement restrictions also prevent Rohingya refugees from seeking a livelihood, accessing basic services, and building a new life in Indonesia. Furthermore, this unbalanced policy also has an impact on the public

perception of Rohingya refugees. Dominant security narratives often fuel xenophobic sentiments and discrimination against refugees, creating a hostile environment and hindering integration efforts (Kurniawati, 2020; Lubis, 2018; Noor, 2021).

Existing protection policies, with all their limitations and imbalances, have a significant impact on the basic rights of Rohingya refugees. The rights to education, health, work, and freedom of movement are often neglected or hampered. Rohingya refugee children have difficulty accessing formal education, while adults have difficulty finding decent work. Access to health services is also limited, especially for refugees living outside refugee camps. The studies analyzed also reveal that Rohingya refugees are vulnerable to various forms of exploitation and violence, including sexual and gender-based violence, human trafficking, and forced labor. Limited access to justice and protection mechanisms makes it difficult for Rohingya refugees to seek legal assistance and restore their rights (Putri, 2023; Rehman, 2019; Southwick, 2020). To overcome these challenges, comprehensive legal and policy reform is needed. Ratification of the 1951 Refugee Convention and the 1967 Protocol is a crucial step to strengthen the national legal framework for refugee protection. By ratifying this international legal instrument, Indonesia will have a stronger legal foundation to protect the rights of Rohingya refugees in accordance with international standards. Apart from that, reform of refugee handling policies is also needed. Policies should place greater emphasis on humanitarian aspects, focusing on providing basic services, protection from discrimination, and facilitating integration into society. A human rights-based approach must be the main principle in designing and implementing refugee management policies. It is also important to strengthen coordination between government institutions and involve civil society in handling refugees. Effective collaboration between governments, international institutions, non-



governmental organizations, and local communities can increase the effectiveness and sustainability of refugee protection programs (Southwick, 2020; Supriyadi, 2022; Wahid, 2018).

In addition to legal and policy reforms, increasing public awareness of the rights of refugees and the importance of providing adequate protection is also key. Education, public campaigns, and intercultural dialogue can help change negative perceptions about refugees and encourage society to accept and support them. Protection of the rights of Indonesian citizens and Rohingya refugees in Indonesia is a complex issue that requires a comprehensive solution. Gaps in the legal framework, the imbalance between humanitarian and security considerations, and the negative impact of existing protection policies are the main challenges that must be overcome. Comprehensive legal and policy reform, increasing public awareness, and strengthening collaboration between stakeholders are important steps to increase the protection of the rights of Indonesian citizens and Rohingya refugees in Indonesia. With joint efforts, Indonesia can create a more inclusive environment and protect the rights of all people in its territory, regardless of citizenship status or origin (Yusof, 2021; Zuhri, 2020).

4. Conclusion

Protection of the rights of Indonesian citizens and Rohingya refugees in Indonesia still faces various challenges. The gap between national and international legal frameworks, the imbalance between humanitarian and security considerations, and the negative impact of existing protection policies are the main problems. To overcome these challenges, comprehensive legal and policy reform is needed. Indonesia needs to ratify the 1951 Refugee Convention and the 1967 Protocol, strengthen the national legal framework, emphasize humanitarian aspects in refugee management policies, and increase public awareness about refugee rights. In this way, Indonesia can provide better protection for Indonesian citizens

and Rohingya refugees, in accordance with human rights principles and international standards. This will not only improve the lives of Rohingya refugees but also make a positive contribution to Indonesian society as a whole.

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