

Neutral Rules, Unequal Outcomes: Indirect Discrimination and Educational Equality in International Scholarship Governance

Netralitas Aturan, Ketidaksetaraan Dampak: Diskriminasi Tidak Langsung dan Kesetaraan Pendidikan dalam Tata Kelola Beasiswa Internasional

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ABSTRACT: International scholarship schemes are widely promoted as instruments for advancing educational access and human capital development, particularly in the Global South. Yet their administrative governance frameworks may unintentionally undermine these objectives. This study examines how eligibility requirements and documentation procedures within international scholarship systems shape substantive equality of educational access. Adopting a qualitative socio-legal methodology, the study analyses scholarship policies, administrative regulations, and institutional practices against international human rights standards, particularly Article 13 of the International Covenant on Economic, Social and Cultural Rights and General Comment No. 13 of the Committee on Economic, Social and Cultural Rights. The findings indicate that procedurally uniform requirements, especially those governing documentation timing and administrative compliance, may generate indirectly discriminatory effects by disproportionately disadvantaging academically qualified applicants from structurally under-resourced educational contexts. Such governance practices may further encourage strategic procedural adaptation among applicants, thereby distorting merit-based selection. The study recommends greater procedural flexibility, including conditional admissions mechanisms and context-responsive documentation policies, to better align scholarship administration with substantive equality and the right to education.

ABSTRAK: Skema beasiswa internasional secara luas diperkenalkan sebagai instrumen untuk memajukan akses pendidikan dan pengembangan sumber daya manusia, khususnya di Negara-Negara Selatan (Global South). Namun, kerangka tata kelola administratifnya dapat secara tidak disengaja menghambat pencapaian tujuan tersebut. Penelitian ini mengkaji bagaimana persyaratan kelayakan dan prosedur dokumentasi dalam sistem beasiswa internasional membentuk kesetaraan substantif dalam akses terhadap pendidikan. Dengan mengadopsi metodologi sosio-legal kualitatif, penelitian ini menganalisis kebijakan beasiswa, regulasi administratif, dan praktik kelembagaan berdasarkan standar hak asasi manusia internasional, khususnya Pasal 13 Kovenan Internasional tentang Hak-hak Sipil dan Politik serta General Comment Nomor 13 dari Komite Hak Ekonomi, Sosial, dan Budaya. Temuan penelitian menunjukkan bahwa prosedur yang seragam, terutama yang mengatur waktu pengumpulan dokumen dan kepatuhan administratif, dapat menimbulkan dampak diskriminasi tidak langsung karena secara tidak proporsional merugikan pelamar yang memenuhi kualifikasi akademik yang secara struktural kekurangan sumber daya dari konteks pendidikan. Praktik tata kelola tersebut juga dapat mendorong adaptasi prosedur yang bersifat strategis di kalangan pelamar, sehingga mendistorsi seleksi berbasis merit. Penelitian ini merekomendasikan fleksibilitas prosedur, termasuk mekanisme penerimaan bersyarat dan kebijakan dokumentasi yang responsif terhadap konteks, guna menyelaraskan administrasi beasiswa dengan prinsip kesetaraan substantif dan pemenuhan hak atas pendidikan.

Keywords:

international scholarships; educational equality; right to education; administrative governance

Kata Kunci:

beasiswa internasional; kesetaraan pendidikan; hak atas pendidikan; tata kelola administratif

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1. Introduction

International scholarship schemes are widely promoted as instruments for advancing educational access, human capital development, and social mobility in developing countries.¹ Framed within global commitments to equality of opportunity and the right to education, these programs are intended to reduce structural disparities between the Global North and South by enabling talented students to pursue advanced studies abroad.² Nevertheless, irrespective of their proclaimed developmental goals, these programs operate through highly formalized administrative regimes based on a preoccupation with procedural adherence rather than substantive educational justice.³ Consequently, access to these opportunities may depend not only on academic qualifications, but also on applicants' ability to satisfy procedural and documentation requirements within prescribed administrative timelines.⁴ This tension raises important questions about whether scholarship governance practices remain consistent with the principles of fairness, inclusion, and substantive equality that such programs formally espouse and that states are obligated to advance under international human rights law.⁵

In practice, international scholarship policies may generate exclusionary effects for early-career scholars seeking immediate academic continuation after graduation. Eligibility requirements relating to official degree certificates, academic sequencing, or strict administrative timelines may exclude applicants who are academically qualified but unable to satisfy procedural conditions at the time of application.⁶ These exclusions are not merely technical, as they may disrupt educational continuity and limit future academic and professional opportunities, particularly in contexts where advanced qualifications are closely linked to social mobility and economic stability.⁷ Consequently, scholarship governance practices may unintentionally generate procedural barriers that complicate the developmental objectives such programs are intended to advance.⁸

Existing scholarship on international education and global scholarship schemes has primarily focused on capacity building, higher education internationalization, transnational knowledge exchange, and human capital development.⁹ Other studies examine educational access through the lenses of meritocracy, mobility, and global inequality, highlighting structural barriers faced by students from developing countries.¹⁰ While this literature provides important insights into the broader purposes and impacts of scholarship programs, relatively limited attention has been given to how administrative governance frameworks may shape unequal outcomes among applicants with comparable academic qualifications. As a result, administrative procedures

¹ Sascha Krannich and Uwe Hunger, "Should They Stay or Should They Go? A Case Study on International Students in Germany," *Comparative Migration Studies* 10, no. 1 (2022): 39, <https://doi.org/10.1186/s40878-022-00313-0>.

² Josef Novotný, Marie Feřtová, and Lucie Jungwiertová, "Postgraduate Migration Behaviour of International University Students Supported from the Czech Development Cooperation Scholarships," *Population, Space and Place* 26, no. 7 (2020), <https://doi.org/10.1002/psp.2361>.

³ Karla Lopez-Murillo, "Diverse Socio-Economic Backgrounds and International Pathways: European Mobility Opportunities through a Scholarship Programme for Mexican Doctoral Students," *Higher Education* 88, no. 5 (2024): 1731–51, <https://doi.org/10.1007/s10734-023-01005-z>.

⁴ Carlos Lubián, "Narrativas Familiares e Institucionales Sobre Las Barreras de Acceso a Centros Escolares En Familias Migrantes: Un Estudio de Caso En España," *Education Policy Analysis Archives* 29, no. January-July (2021): 73, <https://doi.org/10.14507/epaa.29.5777>.

⁵ Robert Boyd Skipper, "Education and Bureaucracy," *International Journal of Applied Philosophy* 32, no. 1 (2018): 57–76, <https://doi.org/10.5840/ijap.2018828101>.

⁶ Isaac T S Thornton et al., "Ambivalent Internationalisation: Reviewing Literature on the Social Policy Context for International Students in the United Kingdom and Implications for Social Exclusion," *Social Policy and Society*, February 19, 2025, 1–17, <https://doi.org/10.1017/S1474746425000089>.

⁷ Panourgias Papaioannou, "The Participation Of Early Career Researchers In The Decision-Making Bodies Of A German University," *Postcolonial Directions in Education* 13, no. 1 (2024): 188–213, <https://www.um.edu.mt/library/oar/handle/123456789/125017>.

⁸ Ly Thi Tran et al., "'It Is Not O.K to Think That You Are Good Just Because You Have Graduated from Overseas': Agency and Contextual Factors Affecting Vietnamese Returning Graduates," *International Migration* 60, no. 6 (December 21, 2022): 43–59, <https://doi.org/10.1111/imig.12954>.

⁹ Warangkana Lin and Sheng-Ju Chan, "Students as a Nexus of Cultural Diplomacy: Estimating the Outcomes of the International Higher Education Scholarship Program in Taiwan," *Journal of Studies in International Education* 28, no. 3 (July 29, 2024): 420–39, <https://doi.org/10.1177/10283153231178133>.

¹⁰ Dilrabo Jonbekova, "Government Scholarships for International Higher Education: Pathways for Social Change in Kazakhstan," *Higher Education* 87, no. 3 (March 11, 2024): 761–77, <https://doi.org/10.1007/s10734-023-01034-8>.

are often implicitly treated as neutral and uniformly applicable despite the differing institutional realities within which applicants operate.¹¹

Comparatively limited attention has been given in existing literature to the ways in which the administrative design and operational practices of scholarship schemes may generate unequal outcomes among applicants with comparable academic qualifications.¹² Existing scholarship seldom examines how procedural rules, documentation requirements, and institutional discretion may generate disproportionate exclusionary effects among applicants with comparable academic qualifications.¹³ Limited attention has also been given to the ways in which administrative governance frameworks encourage procedural adaptation strategies, including the strategic presentation of academic status or modification of educational trajectories to satisfy eligibility requirements. As a result, the mechanisms through which formally neutral administrative rules may produce substantively unequal educational outcomes remain insufficiently examined, particularly within the context of international human rights principles relating to equality and non-discrimination.

This paper seeks to fill this gap by critically analyzing how international scholarship policies, as implemented through administrative and institutional practices, shape access to advanced education for applicants from developing-country educational systems. Through the example of international scholarship programs in higher education, the study examines how rigid eligibility criteria and procedural implementation practices may advantage applicants with stronger procedural and administrative capacity over those primarily oriented toward uninterrupted academic progression. The analysis moves beyond descriptive accounts of scholarship programs to examine the normative and structural consequences of their underlying governance frameworks, particularly the ways in which procedurally neutral administrative arrangements may reproduce unequal educational outcomes.

The study is guided by the following questions: How do administrative eligibility requirements within international scholarship schemes affect equitable access to advanced education? How do these requirements shape the experiences and opportunities of applicants with comparable academic qualifications? To what extent may formally neutral scholarship requirements generate indirectly discriminatory effects contrary to principles of substantive equality and non-discrimination under international human rights law? By addressing these questions, the article situates scholarship governance within broader debates concerning equality, merit, administrative justice, and the right to education. The study contributes to existing scholarship by integrating human rights principles, education policy analysis, and socio-legal critique to examine how formally neutral administrative practices may generate unequal outcomes within international scholarship systems. The findings aim to contribute to debates on educational justice while offering policy-relevant insights into more inclusive and context-responsive scholarship governance frameworks.

This article grounds its analysis in international human rights law, particularly the right to education under Article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the principle of non-discrimination under Article 2(2) of the Covenant. It distinguishes between formal equality, understood as the uniform application of neutral rules, and substantive equality, which requires attention to structural disparities and differential impacts. Within this framework, indirect discrimination refers to situations in which apparently neutral rules produce disproportionate adverse effects on individuals or groups situated within structurally unequal institutional conditions. The study therefore evaluates scholarship

¹¹ Amanda Haddow, Daniel Edwards, and Jo Doyle, "The Friendship Investment: Exploring the Soft Power of Australian International Scholarships and the Impact of Alumni Networks and Connections with Australia," *History of Education Review* 53, no. 2 (November 13, 2024): 76–92, <https://doi.org/10.1108/HER-02-2024-0004>.

¹² Omar Ballester, Maryna Lakhno, and Ladina Rageth, "Regulating International Admissions: Unintended Consequences on Domestic First-Generation Students' Access to Higher Education," *Higher Education Policy*, December 24, 2025, <https://doi.org/10.1057/s41307-025-00433-z>.

¹³ E J Upton, "'some Kind of Notice' Is No Kind of Standard: The Need for Judicial Intervention and Clarity in Due Process Protections for Public School Students," *George Washington Law Review* 86, no. 2 (2018): 655–88, <https://www.gwlr.org/some-kind-of-notice-is-no-kind-of-standard-the-need-for-judicial-intervention-and-clarity-in-due-process-protections-for-public-school-students/>.

governance through the lens of substantive equality, supported by administrative law principles of proportionality and reasonableness. This concern is particularly relevant in light of General Comment No. 13 of the Committee on Economic, Social and Cultural Rights, which emphasizes that educational fellowship systems should operate consistently with principles of equality and non-discrimination and should enhance access for individuals experiencing structural educational disadvantages. The analysis is further informed by General Comment No. 20, which recognizes that indirect discrimination may arise where formally neutral measures disproportionately disadvantage structurally marginalized or disadvantaged groups.

2. Method

This study adopts a qualitative socio-legal research design with a normative analytical orientation to examine international scholarship policies as legal-administrative frameworks governing access to higher education. A socio-legal approach is appropriate because scholarship governance operates simultaneously as a legal-administrative system and as a social mechanism shaping distributive access to educational opportunity. The analysis is structured around three interrelated dimensions. The first is the legal dimension, which includes formal eligibility criteria, administrative regulations, and relevant international human rights standards, particularly the right to education and principles of equality and non-discrimination under Articles 13 and 2(2) of the ICESCR, General Comment No. 13, and General Comment No. 20 of the Committee on Economic, Social and Cultural Rights. The second is the social dimension, which considers institutional practices, administrative implementation, and the structural realities affecting applicants from different educational and socio-economic contexts. The third concerns the interaction between these dimensions, focusing on how standardized administrative requirements may generate substantively unequal effects in practice despite their formally neutral character.

The study relies primarily on documentary analysis of scholarship guidelines, eligibility requirements, administrative regulations, institutional procedures, and publicly available policy materials relating to international scholarship schemes and higher education admissions. These materials are supplemented by secondary sources, including academic literature on human rights law, education governance, administrative burden, global inequality, and socio-legal studies. The research also incorporates limited experiential illustrations used solely to contextualize broader structural concerns identified through documentary and normative analysis. These illustrations are not presented as empirical case studies or statistically representative evidence, but rather as contextual examples demonstrating the practical implications of administrative governance frameworks.

Data analysis was conducted through qualitative content analysis to identify recurring themes relating to procedural rigidity, administrative burden, indirect discrimination, and distributive inequality within scholarship governance systems. These findings were subsequently evaluated through normative legal reasoning grounded in the principles of proportionality, reasonableness, substantive equality, and non-discrimination. Rather than seeking empirical generalization, the study aims to identify structural patterns and normative tensions between the formal objectives of scholarship programs and their practical distributive consequences. The findings are ultimately assessed against international human rights standards concerning equality, non-discrimination, and equitable access to education. This study is limited by its reliance on documentary materials and illustrative experiential examples rather than large-scale empirical fieldwork or quantitative data. Accordingly, the analysis does not seek statistical generalization but instead aims to identify structural patterns, governance dynamics, and normative concerns within international scholarship administration.

3. Findings and Discussion

3.1. Administrative Formalism and the Reproduction of Educational Inequality

The findings of this study suggest that international scholarship schemes, while formally designed to promote educational inclusion and global development, may in practice operate through administrative structures that generate unequal effects among applicants with comparable academic qualifications.¹⁴ Although these programs are commonly framed around principles of merit, transparency, and equal opportunity, the implementation of rigid procedural requirements often prioritizes administrative conformity over substantive educational equity.¹⁵ Eligibility criteria relating to degree certification, document sequencing, application timing, and procedural compliance may therefore function as gatekeeping mechanisms that influence access to scholarship opportunities independently of academic capability.¹⁶

One illustrative governance pattern can be observed in scholarship schemes that require finalized degree certificates at the point of application without accepting provisional graduation letters or institutional confirmation of academic completion.¹⁷ In such cases, applicants who have completed all academic requirements but are awaiting formal certificate issuance due to administrative processing delays may become automatically ineligible despite being substantively qualified.¹⁸ These practices appear particularly burdensome for applicants from educational systems where graduation certification processes are prolonged or institutionally delayed. Although the rules themselves are formally neutral, their practical operation may produce unequal outcomes across different educational contexts.¹⁹

The study further indicates that scholarship governance frequently prioritizes procedural certainty, audit compliance, and institutional risk management over contextual flexibility.²⁰ These priorities are often justified as necessary for accountability and administrative transparency.²¹ However, their implementation may disproportionately affect applicants from educational contexts characterized by delayed certification processes, discontinuous academic calendars, or limited administrative infrastructure.²² In this context, formally identical procedural requirements can produce substantively unequal consequences because applicants operate within structurally different institutional environments.

Differences between scholarship governance practices further illustrate how administrative design may shape distributive outcomes. Some scholarship schemes apply eligibility requirements and documentation procedures in a highly rigid manner, limiting flexibility even where applicants are substantively academically

¹⁴ Yun Yu, "Scholarship and Ethical Complexity: Intercultural Value Negotiations in International Student Mobility," *International Journal of Intercultural Relations* 109 (November 2025): 102315, <https://doi.org/10.1016/j.ijintrel.2025.102315>.

¹⁵ Ali Usman, Abubakar Muhammad Jibril, and Ahmad Shobari, "Flipped Classroom versus Flipped Jigsaw : Enhancing Learning Motivation and Promoting Gender Equality in Support of SDG 4 and SDG 5," *Literate: International Journal of Social Science and Humanities* 3, no. 1 (2024): 1–13, <https://doi.org/10.52005/literate.v3i1.38>.

¹⁶ Maram Al Hassan and Mohammad A Al Adwan, "Harmonizing Teacher Licensing," in *Building a Unified Teacher Licensing System* (IGI Global Scientific Publishing, 2025), 41–64, <https://doi.org/10.4018/979-8-3373-0837-1.ch002>.

¹⁷ John Kirkland, "Case Study: Balancing Change and Continuity The Case of the Commonwealth Scholarship and Fellowship Plan," in *International Scholarships in Higher Education* (Cham: Springer International Publishing, 2018), 147–61, https://doi.org/10.1007/978-3-319-62734-2_8.

¹⁸ Gamze Sart, "Inclusion and Equal Opportunity in Higher Education From the Sustainability Perspective," in *Socio-Economic Implications of Global Educational Inequalities*, 2023, 106–28, <https://doi.org/10.4018/979-8-3693-0693-2.ch006>.

¹⁹ Robin Cavagnoud and Patricia Ames, "Persistence, Retention, and Interruption in Higher Education among Peruvian Scholarship Students in a Context of Emergency Remote Learning," *Education Policy Analysis Archives* 32 (August 27, 2024), <https://doi.org/10.14507/epaa.32.8476>.

²⁰ Asmus Leth Olsen, Jonas Høgh Kyhse-Andersen, and Donald Moynihan, "The Unequal Distribution of Opportunity: A National Audit Study of Bureaucratic Discrimination in Primary School Access," *American Journal of Political Science* 66, no. 3 (July 29, 2022): 587–603, <https://doi.org/10.1111/ajps.12584>.

²¹ Aleksandra Główniczewska, "Forma Przyznawania Stypendium Dla Studentów Szkół Wyższych Przez Organy Jednostek Samorządu Terytorialnego. Przegląd Wybranych Aktów Prawa Miejsowego i Orzecznictwa Sądów Administracyjnych," *Studia Iuridica Toruniensia* 29 (November 24, 2021): 35–52, <https://doi.org/10.12775/SIT.2021.021>.

²² M E Lockheed and H M Levin, "Creating Effective Schools," in *Effective Schools in Developing Countries* (Routledge, 2012), 9–27, <https://doi.org/10.4324/9780203816455-5>.

qualified.²³ Under such arrangements, incomplete administrative documentation may result in automatic exclusion despite evidence of academic completion. By contrast, other scholarship programs or higher education institutions may permit conditional admission, provisional acceptance, or later submission of formal documents pending completion of administrative processes.²⁴ These contrasting practices suggest that exclusionary outcomes are not always unavoidable consequences of administration itself but may instead reflect differing institutional approaches to balancing procedural requirements with equitable access to educational opportunity.

The findings also reveal a broader tension between formal equality and substantive equality within scholarship governance. Applying identical procedural requirements to applicants from unequal institutional and socio-economic contexts does not necessarily produce fair outcomes.²⁵ International human rights law, particularly principles relating to equality of opportunity and the right to education, requires attention not only to formal access but also to the practical conditions necessary for meaningful educational participation.²⁶ Where scholarship eligibility systems fail to account for structural disparities affecting applicants from under-resourced educational systems, procedural uniformity may inadvertently undermine substantive educational equality.

This concern becomes more significant when considered within broader patterns of global educational inequality. In some educational contexts, delayed credentialing and administrative processing may create additional procedural barriers, limited administrative support, and unstable institutional infrastructures. Scholarship frameworks modeled primarily around administrative assumptions common to highly resourced systems may therefore privilege applicants whose academic pathways align more closely with those institutional expectations.²⁷ As a result, scholarship governance may unintentionally reproduce existing inequalities in global academic mobility and participation.

Institutional decision-making processes also appear shaped by administrative logics that prioritize procedural defensibility over context-sensitive educational evaluation.²⁸ Scholarship administrators may become reluctant to exercise flexibility where institutional accountability mechanisms emphasize strict procedural compliance. Consequently, decisions are often assessed according to adherence to published rules rather than their broader developmental or educational implications. Because these exclusions operate through formally neutral procedures rather than explicit discriminatory intent, they are often difficult to challenge within conventional administrative frameworks.

Overall, the findings indicate that scholarship schemes should not be evaluated solely according to their formal objectives or published commitments to inclusion. Their legitimacy must also be assessed in relation to their practical distributive consequences. Greater procedural flexibility, including conditional admissions, provisional documentation mechanisms, and accommodation of differing academic timelines, may help reduce exclusion while preserving institutional accountability. Without such adjustments, administrative formalism risks limiting access to international educational opportunities for applicants who are academically capable but procedurally disadvantaged.

²³ Jesse W Campbell, Emma Northcott, and Sanjay K Pandey, "Policy Implementation as Social Justice: A Realist Review of Administrative Burden Research," *Public Management Review*, July 5, 2025, 1–27, <https://doi.org/10.1080/14719037.2025.2527315>.

²⁴ Denisa Gándara et al., "Advancing a Framework of Racialized Administrative Burdens in Higher Education Policy," *The Journal of Higher Education* 95, no. 6 (September 18, 2024): 718–46, <https://doi.org/10.1080/00221546.2023.2251866>.

²⁵ Vikki Boliver et al., "Reconceptualising Fair Access to Highly Academically Selective Universities," *Higher Education* 84, no. 1 (July 6, 2022): 85–100, <https://doi.org/10.1007/s10734-021-00755-y>.

²⁶ Rüyam Küçüksüleymanoğlu, "Principles of Equality," in *Creating Positive and Inclusive Change in Educational Environments*, 2025, 23–52, <https://doi.org/10.4018/979-8-3693-5782-8.ch002>.

²⁷ Patrick A. Crookes et al., "Articulating Performance Expectations for Scholarship at an Australian Regional University," *Tertiary Education and Management* 22, no. 1 (January 2, 2016): 82–97, <https://doi.org/10.1080/13583883.2016.1151071>.

²⁸ E A Drugova and O N Kalachikova, "Bounded Rationality, Uncertainty, and Complexity as Decision-Making Contexts: A Case of One University in Russia," *European Journal of Contemporary Education* 8, no. 4 (December 5, 2019): 738–50, <https://doi.org/10.13187/ejced.2019.4.738>.

3.2. Indirect Discrimination, Vulnerability, and Substantive Equality

The exclusionary effects identified in international scholarship governance raise broader concerns relating to indirect discrimination and substantive equality within the framework of the right to education. Although scholarship eligibility rules are generally formulated in formally neutral terms and applied uniformly to all applicants, their practical operation may disproportionately disadvantage individuals situated within structurally unequal educational and administrative environments.²⁹ Applicants from institutions characterized by delayed certification processes, limited administrative infrastructure, or discontinuous academic timelines may therefore encounter barriers not experienced by applicants operating within more administratively efficient systems. In this context, identical procedural treatment does not necessarily produce equitable outcomes because applicants do not participate from materially equivalent institutional conditions.

Within international human rights law, such patterns may correspond to indirect discrimination, understood as situations in which apparently neutral rules generate disproportionate adverse effects on individuals or groups despite the absence of explicit discriminatory intent.³⁰ This understanding is reflected in Article 2(2) of the ICESCR and further elaborated in General Comment No. 20 of the Committee on Economic, Social and Cultural Rights, which recognizes that formally neutral measures may produce discriminatory effects where structural inequalities remain unaddressed.³¹ Similarly, General Comment No. 13 emphasizes that educational fellowship systems should operate consistently with principles of equality and non-discrimination and should enhance access for individuals experiencing structural disadvantage.

The vulnerability examined in this study should not be understood as inherent personal weakness, but rather as a condition produced through unequal institutional and socio-economic arrangements affecting applicants' ability to compete on substantively equal terms. Applicants from under-resourced educational systems may experience structural educational disadvantages where administrative delays, limited institutional capacity, and procedural inflexibility obstruct access to international educational opportunities despite substantive academic qualification. Consequently, evaluating scholarship governance solely through the lens of formal equality risks obscuring the broader structural conditions shaping educational access.³² A substantive equality approach instead requires attention to the differential effects of administrative rules and the extent to which governance frameworks accommodate unequal institutional realities while preserving legitimate standards of accountability and procedural integrity.

3.3. Procedural Adaptation and Behavioral Consequences

A significant finding of this study concerns the behavioral effects of restrictive scholarship governance on applicants navigating international educational systems. Repeated exposure to rigid administrative requirements may gradually shift applicants' focus from academic aspiration toward procedural strategy and compliance management, particularly where access depends more on administrative conformity than substantive academic merit. Over time, scholarship systems may increasingly reward procedural adaptability rather than purely academic capability, thereby reshaping the practical meaning of merit within international educational mobility.

²⁹ Andrea Briceno Mosquera, "Admissions Officers' Perceptions When Undocumented Students Seek In-State Resident Tuition Policy," *Educational Policy* 38, no. 6 (September 11, 2024): 1449–86, <https://doi.org/10.1177/08959048231201789>.

³⁰ D Moeckli, *Equality and Non-Discrimination under International Law*, ed. Stephanie Farrior, *Equality and Non-Discrimination Under International Law*, vol. 2 (Routledge, 2017), <https://doi.org/10.4324/9781315094410>.

³¹ Committee on Economic, Social and Cultural Rights, General Comment No. 20, paras. 10–12.

³² Munyaradzi Hwami and Michelle Bedeker, "Social Stratifying Kazakhstan: A Bourdieusian Social Reproduction Analysis of Higher Education Internationalisation," *British Journal of Sociology of Education* 45, no. 2 (February 17, 2024): 210–29, <https://doi.org/10.1080/01425692.2023.2299966>.

The findings indicate that applicants facing exclusion due to documentation gaps despite completing all substantive academic requirements may adopt increasingly strategic approaches toward eligibility procedures. Applicants awaiting formal certificate issuance may strategically manage the timing or presentation of their academic status in anticipation of procedural restrictions. Such practices should not necessarily be understood as deliberate dishonesty, but rather as adaptive responses to governance environments in which relatively minor administrative deficiencies may produce automatic exclusion irrespective of academic capability.³³ This dynamic reflects broader scholarship governance patterns in which administrative burden may encourage strategic coping behavior among applicants operating under structurally unequal procedural conditions.

Despite completing all substantive master's degree requirements, the author was deemed ineligible for the Indonesian Government Scholarship (KNB) doctoral program because the official degree certificate had not yet been formally issued, illustrating how rigid documentation requirements may exclude substantively qualified applicants. The KNB scholarship framework requires finalized degree certificates as a mandatory eligibility condition without accommodating provisional documentation or institutional confirmation as acceptable alternatives.³⁴ As Jonbekova similarly observes in the context of Kazakhstani government scholarship schemes, state-administered scholarship programs frequently operate through tightly regulated procedural frameworks that permit limited discretion for context-sensitive assessment.³⁵

Where eligibility depends more heavily on administrative timing than substantive qualification, procedural literacy and institutional familiarity may become as influential as academic merit in determining educational access. Such exclusion may disrupt educational continuity, weaken institutional trust, and intensify socio-economic insecurity, particularly for early-career scholars from developing-country educational systems for whom scholarship access represents a critical pathway to advanced qualification and research participation. These adaptive strategies therefore reflect structural responses to rigid governance systems rather than questions of individual morality or misconduct. Consequently, scholarship regimes that prioritize procedural conformity over contextual flexibility risk undermining substantive equality and the right to education, including the requirement under paragraph 26 of General Comment No. 13 of the ICESCR that fellowship systems enhance equality of educational access for individuals experiencing structural disadvantage.

3.4. The Normative Structure of Scholarship Governance

Beyond the behavioral consequences examined in the preceding section, a broader structural issue concerns the normative framework through which international scholarship schemes are designed and administered. This framework reflects a combination of legal principles, institutional priorities, and administrative assumptions that collectively shape how access to educational opportunities is regulated. In many scholarship systems, procedural certainty, auditability, and institutional risk management receive greater emphasis than contextual flexibility or substantive educational equity. Understanding this normative structure is essential for explaining why formally neutral administrative rules may generate substantively unequal effects across different institutional and socio-economic contexts, and why such effects raise concerns under international human rights law.

A central feature of this normative structure is procedural formalism, the assumption that fairness is best achieved through strict adherence to standardized and uniformly applied rules. This orientation draws legitimacy from established administrative law principles including legality, equal treatment, consistency, and non-arbitrariness. Within scholarship governance, however, rigid procedural uniformity may obscure

³³ Tran et al., "‘It Is Not O.K to Think That You Are Good Just Because You Have Graduated from Overseas’: Agency and Contextual Factors Affecting Vietnamese Returning Graduates.”

³⁴ KNB Scholarship, "Requirements," Ministry of Higher Education, Science, and Technology of the Republic of Indonesia, accessed August 20, 2026, <https://knb.kemdiktisaintek.go.id/#requirements>.

³⁵ Jonbekova, "Government Scholarships for International Higher Education: Pathways for Social Change in Kazakhstan."

substantive inequalities affecting applicants from structurally different educational systems.³⁶ Treating all applicants identically does not necessarily produce equitable outcomes where institutional capacities, certification timelines, and administrative infrastructures differ significantly. As Küçüksüleymanoğlu observes, formal equality understood as identical treatment of all individuals is analytically and normatively distinct from substantive equality, which requires differential accommodation of structural disadvantage to produce genuinely equitable outcomes.³⁷

From an international human rights law perspective, this distinction carries direct normative weight. The right to education under Article 13 of the ICESCR requires not merely formal access to educational opportunities but also reasonable accommodation of structural barriers preventing meaningful participation on equal terms.³⁸ Critically, the exclusionary effects produced by procedurally uniform scholarship requirements correspond to what comparative equality law and international human rights doctrine recognize as indirect discrimination: the application of an apparently neutral rule that places persons from groups at disproportionate disadvantage without objective and reasonable justification. Where scholarship governance frameworks apply identical documentation requirements without accommodating differential institutional realities, they risk producing indirectly discriminatory effects even absent discriminatory intent. Paragraph 31 of General Comment No. 13 establishes that the prohibition against discrimination in education is subject to neither progressive realization nor resource availability, applying fully and immediately to all aspects of education, reinforcing the urgency of addressing indirectly discriminatory governance practices irrespective of whether deliberate exclusionary intent is established.³⁹

A further dimension concerns audit culture and institutional risk aversion. Scholarship administrators frequently operate within governance environments prioritizing procedural defensibility above broader educational objectives. Administrative decisions are consequently evaluated according to strict procedural adherence rather than contribution to substantive equity. Flexible measures such as conditional admission, provisional documentation acceptance, or context-sensitive accommodation may consequently be perceived as institutional risks despite their relevance to equitable access. Critically, these dynamics reflect governance choices rather than administrative inevitabilities, as evidenced by the variation in procedural flexibility observable across different scholarship schemes. The existence of programs accommodating provisional documentation demonstrates that procedural rigidity is a policy choice susceptible to reform.

The normative structure of scholarship governance also reflects a contestable understanding of academic merit, operationalized primarily through standardized documentation and procedural compliance. This approach may insufficiently account for diverse institutional realities, effectively privileging applicants whose academic pathways align most closely with administrative expectations and displacing substantive academic potential in favor of procedural navigability. These dynamics risk becoming self-reinforcing, as institutional reliance on procedural formalism gradually normalizes rigid compliance structures while obscuring the structural conditions producing exclusionary effects. Accordingly, paragraph 26 of General Comment No. 13 explicitly requires that fellowship systems enhance equality of educational access for individuals from disadvantaged groups, a standard that governance frameworks premised on procedural uniformity may struggle to satisfy. Greater emphasis on substantive equality, contextual responsiveness, and development-oriented accountability would better align scholarship administration with international human rights obligations, without abandoning institutional accountability or procedural integrity.⁴⁰

³⁶ Usman, Jibril, and Shobari, “Flipped Classroom versus Flipped Jigsaw : Enhancing Learning Motivation and Promoting Gender Equality in Support of SDG 4 and SDG 5.”

³⁷ Küçüksüleymanoğlu, “Principles of Equality.”

³⁸ Committee on Economic, Social and Cultural Rights. (1999). General Comment No. 13: The right to education (Article 13 of the International Covenant on Economic, Social and Cultural Rights) (E/C.12/1999/10). United Nations.

³⁹ Ibid.

⁴⁰ United Nations. (1966). International Covenant on Economic, Social and Cultural Rights. United Nations Treaty Series, 993, 3.

4. Conclusion

This study has examined how administrative governance structures within international scholarship schemes may generate substantively unequal educational outcomes despite formal commitments to merit, inclusion, and equal opportunity. The findings demonstrate that rigid eligibility criteria, strict documentation requirements, procedural standardization, and audit-oriented administrative practices disproportionately affect applicants from educational systems characterized by delayed certification processes, discontinuous academic calendars, and limited institutional administrative capacity. When uniformly applied across structurally unequal educational contexts, apparently neutral procedural requirements may produce exclusionary effects corresponding to what international human rights doctrine recognizes as indirect discrimination. Such exclusion frequently operates independently of explicit discriminatory intent, making it particularly difficult to identify and challenge within conventional administrative frameworks.

The analysis further demonstrates that scholarship governance frameworks shape not only access to educational opportunities but also applicant behavior and institutional decision-making. Restrictive procedural environments may incentivize strategic adaptation among applicants, gradually displacing substantive academic merit as the primary determinant of educational mobility. At the institutional level, audit-driven administrative cultures often prioritize procedural defensibility over contextual flexibility, thereby producing exclusionary outcomes that reflect governance choices rather than administrative necessity.

Accordingly, this study recommends greater procedural flexibility within scholarship governance frameworks, including conditional admission mechanisms, reasonable accommodation of differing institutional timelines, and context-responsive documentation policies. Such reforms would not undermine institutional accountability or procedural integrity but would instead align scholarship administration more closely with the principles of substantive equality, non-discrimination, and the right to education. Ultimately, access to international educational opportunities should be determined primarily by substantive academic qualifications rather than structurally unequal administrative conditions.

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