

Implementation of Law Number 8 of 2016 concerning Legal Protection and Fulfillment of the Rights of Persons with Disabilities in Indonesia

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Abstract

Persons with disabilities are seen as individuals who face long-term physical, intellectual, mental and sensory limitations who, in interacting with their surrounding environment, still experience obstacles and difficulties in participating fully and actively in society. Apart from having limitations in physical aspects, intellectual limitations, mental limitations, the definition is often also added, namely those who have difficulty participating fully and effectively with other communities. The problem in this research is how is the implementation of Law No. 8 of 2016 regarding the legal protection of persons with disabilities in Indonesia? How is the implementation of Law No. 8 of 2016 towards fulfilling the rights of persons with disabilities in Indonesia? This research method uses a normative juridical approach, with secondary data collection, to prove legal protection and fulfillment of the rights of persons with disabilities. The data obtained was analyzed qualitatively. Based on the research results, it was found that legal protection by the government for people with disabilities is made in the form of statutory regulations such as Law Number 8 of 2016 concerning Persons with Disabilities. However, legal protection is not yet effective and is still repressive in nature. Even though there is a law, discrimination still occurs. This happens because there is little knowledge and awareness among the public, including business actors. The responsibility lies with the government but society itself also causes discrimination against people with disabilities. This law regulates the rights of persons with disabilities to be free from torture or cruel, inhumane, degrading treatment, free from exploitation, violence and ill-treatment, as well as the right to have respect for their mental and physical integrity based on equality with other people. . For this reason, the Government is obliged to realize the rights of persons with disabilities as regulated in this Law, including ensuring the fulfillment of the rights of persons with disabilities in all aspects of life. So that the implementation of respect, protection and fulfillment of the rights of persons with disabilities can be realized optimally.

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1. INTRODUCTION

Humans are creatures created by God who were created with a set of human rights attached to them to be protected and ensured that their fulfillment is realized. Because Indonesia is a country of law, the country has a set of legal rules to provide protection for human rights without exception. There are many phrases in the legislation, namely "everyone", with this phrase giving the understanding that everyone without exception has the right to obtain what is stated in the regulation, including people with disabilities.

The term 'person with disabilities' was first born through the forum "Expert Discussion on Choosing Terminology to Replace the Term Person with Disabilities" which was held by Komnas HAM on 19–20 March 2010 in Jakarta. Persons with disabilities are seen as individuals who face long-term physical, intellectual, mental and sensory limitations who, in interacting with their surrounding environment, still experience obstacles and difficulties in participating fully and actively in society. Apart from having limitations in physical aspects, intellectual limitations, mental limitations, the definition is often also added, namely those who have difficulty participating fully and effectively with other communities.

Data on the number of people with disabilities in Indonesia according to the Central Statistics Agency (BPS) Survey will reach around 22.5 million people in 2022. This number has increased from 2021 which was 16.5 million. Meanwhile, data for 2023 quoted from the Ministry of Health's online page, the number of people with disabilities in Indonesia reached 22.97 million people or around 8.5% of Indonesia's population. The data on the number of people with disabilities above is increasing from year to year. Therefore, the state also focuses its attention on people with disabilities to ensure that all their rights are realized just like the rights of other people.

The government's attention to people with disabilities is implemented with the formulation of laws specifically aimed at people with disabilities. Starting from Law no. 4 of 1997 concerning people with disabilities where it is explained that a person with a disability is anyone who has a physical and/or mental abnormality, which can interfere with or constitute an obstacle and impediment for him or her to function properly. The law was amended to become Law no. 8 of 2016, concerning people with disabilities, one of the contents of which is that the term disabled is no longer used and is changed to people with disabilities. Law No. 8 of 2016 regulates various rights and services obtained by people with disabilities, including the right to life, the right to be free from stigma, the right to privacy, the right to justice and legal protection, the right to education, the right to employment, entrepreneurship and cooperatives, the right to health, political rights, , religious rights, sports rights, cultural and tourism rights, social welfare rights, accessibility rights, public service rights, protection rights from disasters, habilitation and rehabilitation rights, data collection rights, rights to live independently and be involved in society, rights to expression, communication, and obtain information, citizenship rights, rights to be free from discrimination, neglect, torture and exploitation.

Law No. 8 of 2016 regulates all rights and obligations for people with disabilities, but in many empirical cases in society, effective implementation of the rights of people with disabilities has not been realized. For example, in the case of N, who is a deaf person, according to an online news page, he stated that he had rejected 164 times when applying for jobs. Laws and Regulations Area (Perda) in East Kalimantan regarding disabilities, is unable to guarantee that N has equal opportunities with non-disabled people in accessing work. A form of discrimination regarding his right to obtain a job when he often receives rejection answers that are related to the handicap or disability he experiences.

Apart from the difficulty of accessing work, in the education sector it is a human right and a fundamental right inherent in every citizen as mandated by Article 28C of the 1945 Constitution. For people with disabilities, the right to obtain education is limited, as in the case described by Abdul Rahman as a person parents of children with disabilities that inclusive schools are difficult to find and difficult to reach because quotas are very small and costs are expensive.

In the above cases, it implies the conclusion that there are still many people with disabilities who find it difficult to obtain their rights and services as written in Law No. 8 of 2016. In fact, the essence of humans in a rule of law state is that all are equal before the law and state services. As citizens, people with disabilities also have the same rights to be recognized, protected, prosperous, and involved in development activities and state activities. Unfortunately, reality shows something different. People with disabilities are still far from having their rights fulfilled as full citizens. In fact, they are often unprotected and far from access to welfare and involvement in development and state activities.

Apart from the areas of work and education as in the example above, people with disabilities often experience stigma, including from the use of general terms circulating to define their existence, namely as people with disabilities. This term connotatively categorizes people with disabilities as abnormal, imperfect figures, which then means they

are often seen as a burden on their families and society. The inability and helplessness of people with disabilities regarding one aspect of their lives actually hinders almost all aspects of the lives of people with disabilities.

Based on the background description above, the author is interested in conducting normative research to find answers to the implementation of the rights of persons with disabilities as contained in Law No. 8 of 2016. With the emergence of a gap in the form of inequality between *das sollen* and *das sein*, namely *das sollen* (disability rights in Law No. 8 of 2016 concerning Persons with Disabilities) and *das sein*, namely a concrete phenomenon in society regarding the difficulty of fulfilling rights and services for persons with disabilities, the author is interested in conducting research on it with the title "Implementation of Law Number 8 of 2016 Concerning Legal Protection and Fulfillment of the Rights of Persons with Disabilities in Indonesia".

The urgency of this research will be fully beneficial for the community, especially people with disabilities, to be aware of their rights in Law No. 8 of 2016, as well as for the government to be aware of difficulties in fulfilling the mandate of Law No. 8 of 2016, because of the difficulty in fulfilling the rights and services for people with disabilities. with aspects of legal protection on it.

2. THEORITICAL REVIEW

General Overview of People with Disabilities

a. Understanding Persons with Disabilities

Persons with Disabilities is composed of two words. The word *Pendengan* itself comes from the word *Sandang*, which means clothing, or cloth. People who have (suffer from) something such as a handicap, or are handicapped. The word *disability* means defective or abnormal, or someone's unhealthy condition. The term *disabled person* itself is often referred to as *disabled person*. The definition of *disability* according to John C. Maxwell, a person with a disability is someone who has an abnormality and can interfere with activities.

Juridically, the definition of persons with disabilities is regulated in Article 1 number (1) of Law Number 8 of 2016 concerning Persons with Disabilities, namely every person who experiences physical, intellectual, mental and/or sensory limitations for a long period of time who, in interacting with the environment, may experience barriers and difficulties to participate fully and effectively with other citizens based on equal rights.

In Law of the Republic of Indonesia no. 4 of 1997 mentioned "Persons with Disabilities". People with disabilities seem to be legal subjects who are seen as less empowered. The term "Disabled" connotes something negative. The word "person with" gives a predicate to someone with a negative sign or label, namely a disability in their entire person. However, the reality is that someone with a disability may only have certain physical deficiencies, not a complete disability. In the old Disability Law, in this case Law no. 4 of 1997 mentioned about "Disabled Persons". People with disabilities seem to be legal subjects who are seen as less empowered. The term "Disabled" connotes something negative. The word "person with" gives a predicate to someone with a negative sign or label, namely a disability in their entire person. However, the reality is that someone with a disability may only have certain physical deficiencies, not a complete disability. For this reason, the term "disabled" was changed to "disability" which means more complete incapacity. It can be understood that people with disabilities are all people who have physical, mental, intellectual and other limitations and whose shortcomings cause them to be different from other individuals..

b. Types of Persons with Disabilities

a) People with Physical Disabilities

Physical disability is a condition where a person has imperfect body parts or has perfect body parts but does not function properly. This condition causes a person with a physical disability to be unable to carry out activities like normal people in general, in this situation it causes a person with a physical disability to need assistive devices in carrying out their activities. People with physical disabilities vary, including:

(1) Blind

Blindness is a visual impairment, so a person uses techniques such as touching as a substitute for their sense of sight.

(2) Physically disabled

A quadriplegic is someone with disorders of the bones, joints, and nerves that control their muscles. Therefore, to move the affected body part, extra help is needed.

(3) Speech Impairment A speech impairment is a barrier to speech that a person encounters, forcing them to communicate their thoughts mostly through sign language.

b) People with Mental Disabilities

A person with a mental disability is someone who suffers from a mental or behavioral condition, either as a result of an illness or a birth defect. There are various types of people with physical disabilities, namely:

(1) Mental retardation (mental disability or poor catching ability).

Intellectually retarded those whose intelligence is below average and who usually struggle to adapt to their environment.

(2) Tunalaras (a state of not conforming to accepted norms)

People who have disorders at the level of emotional control and social control usually have problems around their family or social life.

c) People with Multiple Disabilities

People with multiple impairments have more than one disability, which makes it difficult for them to engage in various activities. For example, speaking is difficult for those who are deaf (hearing impaired).

c. Rights of Persons with Disabilities

In Article 5 of Law No. 8 of 2016, the rights of persons with disabilities are detailed, namely:

a) Persons with Disabilities have the rights: 1) to life, 2). freedom from stigma, 3) privacy, 4) justice and legal protection, 5). education, 6) employment, entrepreneurship, and cooperatives, 7). health, 8) politics, 9), religion, 10). sports, 11), culture and tourism, 11), social welfare, 12), Accessibility, 13). Public Services, 14). Protection from disasters, 15) habilitation and rehabilitation, 16) concessions, 17) data collection, 18) living independently and being involved in society, 19) expressing, communicating and obtaining information, 20) changing location and citizenship, and 21) freedom from acts of discrimination, neglect, torture and exploitation.

b) Women with disabilities have the right:

(1) on reproductive health.

(2) accept or refuse the use of contraceptives.

(3) get more protection from multiple layers of discriminatory treatment, and

(4) to obtain more protection from acts of violence, including violence and sexual exploitation.

c) Children with disabilities have rights

- (1) receive special protection from discrimination, neglect, harassment, exploitation, as well as violence and sexual crimes.
 - (2) receive care and nurturing from a family or substitute family for optimal growth and development.
 - (3) their interests are protected in decision making.
 - (4) treating children humanely in accordance with the dignity and rights of children.
 - (5) Meeting special needs.
 - (6) equal treatment with other children to achieve social integration and individual development; And
 - (7) receive social assistance.
- d) In Article 6: The right to life for Persons with Disabilities includes the rights to:
- (1) for respecting integrity.
 - (2) not deprived of his life.
 - (3) receive care and nurturing that ensures their survival.
 - (4) free from neglect, shackling, confinement and isolation.
 - (5) free from threats and various forms of exploitation
 - (6) free from torture, other cruel, inhumane and degrading treatment and punishment.

e) Article 7

The right to be free from stigma for Persons with Disabilities includes the right to be free from harassment, humiliation and negative labels related to their disability.

Other rights include: Article 8 Right to Privacy, Article 9 Right to justice and legal protection, Article 10 right to education, Article 11 Right to Employment, Entrepreneurship and Cooperatives, Article 12 Right to Health, Article 13 Political Rights, Article 14 Religious Rights, Article 15 Rights to Sports, Article 16 Rights to Social Welfare, Article 17 Rights to Social Welfare, Article 18, Rights to Accessibility, Article 19 Rights to Public Services, Article 19 Rights to Public Services for Persons with Disabilities, Article 20 Rights to Protection from Disasters for Persons with Disabilities, Article 21 Rights Habilitation and Rehabilitation. Article 22 The right to data collection for Persons with Disabilities, Article 23 The right to live independently and be involved in society, Article 24 The right to express, communicate and obtain information, Article 25 The right to citizenship, and Article 26 The right to be free from discrimination, neglect, torture and exploitation.

d. Disability in Community Social Life

There are several conditions for people with disabilities in the social order, namely:

a) Social Stigma Against Disabilities

The existence of people with disabilities in society is still an irony because society in general has not been able to accept the existence of those who are considered to have deficiencies or retardation both physically and mentally. This causes people with disabilities to have even more difficulties in their development, where they really need a positive response from society. around them, because in general people avoid people with disabilities from their lives for the reason that they do not want to have negative effects from the appearance of people with disabilities in their lives.

Society's view of people with disabilities is also divided into two models, namely the individual model and the social model. The individual model assumes that the disability experienced by a person is considered to be the problem. Meanwhile, the social model assumes that the problem does not lie in the disability experienced by a person, but in the negative way society views people with disabilities that causes problems.

b) Social Support for Disabilities

Social support is the degree to which an individual's basic needs for love and affection, approval, a sense of belonging and security are met, which provides satisfaction due to interactions with other people. Social support is an important component for humans, related to the nature of humans as social creatures who always need other people. Empirical conditions show that children with disabilities really need social support from their families and their environment. The problem faced by children with disabilities is the low level of social support, especially due to the low understanding, knowledge, skills and concern of families of children with disabilities. Forms of social support can be synchronized with the types of social support that a person can receive from other people or from their environment.

3. RESEARCH METHOD

This type of research is normative legal research or research library research, namely a form of research that uses library materials as the main data source, in the form of books, notes or reports of research results from previous research. This research is also supported by empirical data to support normative data. This research uses legal rules, legal principles and legal doctrines to answer the legal issues faced. Apart from that, this research also uses other sources that are relevant to the discussion, such as the 1945 Constitution of the Republic of Indonesia and Law Number 8 of 2016 concerning Persons with Disabilities.

The approach used in this research is uses 2 kinds of approach methods, namely:

- a. First, the statutory approach, in this approach method. This is done by reviewing all regulations relating to the legal issue being discussed.
- b. Second, the conceptual approach, which is in this approach starting from research into legal concepts such as legal sources, legal functions and so on. This approach departs from the views and doctrines that have developed in legal science which will clarify ideas by providing legal understanding, legal concepts and legal principles that are relevant to the problem.

So in this case, the research approach studied by preparer relating to laws and regulations relating to persons with disabilities

This research is based on 3 (three) types of legal material sources, namely primary legal materials, secondary legal materials and tertiary legal materials.

a. Primary Legal Materials

Primary legal materials are legal materials obtained or collected by researchers directly from data sources. In this study, researchers used binding legal materials, including:

- 1) The 1945 Constitution of the Republic of Indonesia;
- 2) Law Number 8 of 2016 concerning Persons with Disabilities.

b. Secondary Legal Materials

Secondary legal materials are legal materials that provide explanation of primary legal materials, for example studies literature such as journals, books or archives are not published or generally published, and the official website or website relating to people with disabilities.

c. Tertiary Legal Materials

Tertiary legal materials are all legal materials that provide information regarding primary legal materials and secondary legal materials, such as:

- 1) Legal materials from internet media that discuss people with disabilities.
- 2) Magazines and newspapers that address the issues of people with disabilities.
- 3) Encyclopedic dictionary.

The data collection technique in this research uses studies literature. The data collected in this case is secondary data. Secondary data is data obtained indirectly based on literature study, research by other parties or document study. The secondary data is obtained from primary legal materials.

Data analysis is the next step to process result research into a report. The data analysis technique in this research uses content analysis, which is a series of methods for analyzing the content of all forms of communication by reducing all communication content into a series of categories that represent the things being studied. The content analysis carried out in this research is to describe the justice system in Indonesia regarding people with disabilities. After the data analysis is complete, the results of this analysis will be presented descriptively, namely by telling and describing according to the problems studied and the data obtained.

4. RESULTS AND DISCUSSION

Legislation is a part or subsystem of the legal system. Therefore, discussing legislation is based on the principle that laws and/or statutory regulations are basically the design or result of the design of a political institution (Political Body).

Article 1 Paragraph (1) of the 1945 Constitution of the Republic of Indonesia states "Indonesia is a legal state". The concept of the rule of law used by Indonesia is more directed towards the Continental European legal tradition (Civil Law) which prioritizes written law in the form of statutory regulations as the basis for carrying out every government activity.

One of the important things in a government, both at the national and regional levels, is the formation of legal products that are very necessary to respond to the interests of society. In carrying out our duties and functions, of course we cannot be separated from the applicable laws and regulations. Before moving on to formulation techniques, of course we need to know what regulations regulate the formation of these statutory regulations, namely Law Number 12 of 2011 concerning the Formation of Legislative Regulations which has been amended by Law Number 15 of 2019 and Law Number 13 of 2022. Presidential Regulation Number 87 of 2014 concerning Implementing Regulations of Law Number 12 of 2011 concerning the Formation of Legislative Regulations which have been amended by Presidential Regulation Number 76 of 2021.

Apart from that, there is also a regulation of the Minister of Law and Human Rights (Permenkumham) which is the reference rule for drafting legislative regulations, namely Permenkumham Number 20 of 2015 concerning Procedures and Procedures for Harmonizing, Rounding Up and Consolidating the Concept of Draft Legislative Regulations which has been amended by Minister of Law and Human Rights Regulation Number 40 of 2016.

In accordance with Law Number 12 of 2011, there are various types and hierarchies of statutory regulations, namely:

1. 1945 Constitution;
2. Decree of the People's Consultative Assembly;
3. Law/Government Regulation in Lieu of Law;
4. Government Regulation (PP);
5. Presidential Regulation (Perpres);
6. Provincial Regional Regulations;
7. Regency/City Regional Regulations.

Apart from the seven types of regulations, there are other types of regulations which include regulations stipulated by the People's Consultative Assembly, the People's Representative Council, the Regional Representative Council, the Supreme Court, the

Constitutional Court, the Supreme Audit Agency, the Judicial Commission, Bank Indonesia, Ministers, Agencies, Institutions or Commissions. the level established by law or the government by order of law, the Provincial Regional People's Representative Council, the Governor, the Regency/City Regional People's Representative Council, the Regent/Mayor, the Village Head or the equivalent level.

The preparation of Legislative Regulations is carried out in several stages, namely:

1. Drafting legislative regulations, which are outlined in the National Legislation Program (Prolegnas) for Laws, and the PP and Presidential Decree Preparation program.
2. The Law Drafting Stage can be carried out by the DPR or the President. The President, through the relevant ministries, prepares draft laws and academic texts which are then submitted to the DPR. Next, discussions will be held between government representatives and the DPR to harmonize, stabilize and finalize the draft law. Later the law will be signed by the President. If the draft law comes from the DPR, then the DPR and DPD will submit it to the President of the Republic of Indonesia where it will then be discussed and adopted.
3. The PP/Perpres drafting stage, after being included in the PP and Presidential Decree drafting program as well as the President's principle permission, the initiating Ministry/Agency prepares the draft PP/Perpres then harmonization and discussion will be carried out with the Ministry of Law and Human Rights, the Ministry of State Secretariat, and related Ministries/Institutions . Next, a determination will be made by the President.
4. In the preparation of policy PMK and KMK, after being included in the PMK/KMK preparation program or having received the Minister's principle permission, the relevant Echelon I unit prepares the PMK/KMK draft. Then discussions were held with the Legal Bureau and other Echelon I Units as well as across ministries. After completing the discussion of the draft PMK/KMK, harmonization was carried out with the Ministry of Law and Human Rights, and then a determination was made by the Minister.
5. In the event that all regulations (UU/Perpu, PP, Presidential Decree, and PMK) have been completed, the downloading process is carried out by the Ministry of Law and Human Rights so that these regulations can be included in the state gazette, state gazette and additional state gazettes.

The formation of Law Number 12 of 2011 is an implementation of the order of Article 22A of the 1945 Constitution of the Republic of Indonesia. The formation of this Law is based on the idea that Indonesia is a state of law. As a legal state, all aspects of life in the social, national and state fields must be based on the national legal system. Law Number 12 of 2011 is the legal basis for the formation of legislative regulations at both the central and regional levels.

This law was formed to create an orderly formation of statutory regulations, so that the conception and formulation of norms are good, unanimous and harmonious, do not conflict with each other and overlap with each other. Through this law, it is hoped that all institutions authorized to form legislative regulations will have specific guidelines that are standard and standardized in the process and methods of forming legislative regulations in a planned, integrated and systematic manner.

In forming and implementing a legal regulation, several principles are adhered to, namely:

1. Higher regulations trump lower regulations;
2. Newer regulations trump older regulations;
3. Regulations that regulate specific issues trump general regulations.

These principles are adhered to so that legal uncertainty does not occur which leads to the implementation of certain legal products not running well. Before Law Number 12 of 2011 was formed, many types of statutory regulations overlapped with each other. Lower laws conflict with higher ones.

The process of forming legislative regulations ignores the principles of good legislative regulations and ignores the public interest. That is why it is very important to make efforts to increase understanding regarding the formation of statutory regulations among functional staff (legal drafters) and non-functional staff in the formation of statutory regulations.

With the ratification and promulgation of Law Number 12 of 2011 concerning the Formation of Legislative Regulations, there are many new provisions that must be understood not only by those forming legislative regulations, but also those who are interested, such as legal practitioners, academics, activists, students and others. A good and in-depth understanding of the systems, techniques and processes for forming legal regulations is an important prerequisite for producing qualitative, aspirational and responsive legal products.

The preparation of legal products within the framework of regional government administration must receive attention from all implementing apparatus, because regional legal products such as Regional Regulations, Regulations and Regional Head Decrees are very basic and fundamental legal products in government activities, as well as being used as a basis or reference in government administration. in the area.

Every legal product must be prepared by taking into account philosophical, sociological and juridical aspects, in the end if these are fulfilled, then the legal product will be effective in its application, and will not conflict with public order or higher regulations.

B. Implementation of Law Number 8 of 2016 concerning Legal Protection and Fulfillment of the Rights of Persons with Disabilities in Indonesia

1. Implementation of Law Number 8 of 2016 regarding the Legal Protection of Persons with Disabilities in Indonesia

According to Article 1 Paragraph 1 of Law No. 8 of 2016, a person with a disability is someone who has long-term physical, intellectual, mental and sensory disabilities, who has limitations in communicating with the environment and finds it difficult to participate with other citizens on the basis of equal rights. People with disabilities are divided into 4, namely:

- a. People with physical disabilities Physical disabilities are defects that cause problems with the body such as body movements, vision, hearing and speech.
- b. People with intellectual disabilities Intellectual disabilities are developmental defects in the brain's nerves. They have limited ability to think.
- c. People with mental disabilities Mental disabilities are defects in behavior
- d. People with sensory disabilities People with disabilities are still a problem in several countries.

People with disabilities do not have a proper place in society's social life. Many people with disabilities migrate to cities from villages to get access to education, work or medical and social rehabilitation services. This is concerning and requires action from various groups. This means that there needs to be increased critical awareness and community action. The disabled community is often hidden from the eyes of professional groups. This happens because of social factors, cultural factors and legal factors.

People with disabilities are only considered second class citizens and are deemed unable to make important contributions. This incident shows the differences between developed and developing countries. Appreciation and recognition of rights in developed countries has gone well. This is because legal regulations have been operating effectively to protect people with disabilities. If problems like this are left

unchecked, they will create big social problems for a long time. The role of government and society can ensure the implementation of human rights, especially for people with disabilities.

Legal Protection is the protection of honor and dignity, as well as recognition of human rights possessed by legal subjects based on legal provisions against arbitrariness. The elements in the definition of legal protection are the form or form of protection or the purpose of protection, legal subject and object of legal protection.

The types of discrimination that often occur in society are:

- a. Discrimination based on, ethnicity, year, ethnicity, race, and religious belief;
- b. Discrimination based on sex and gender (social roles due to gender);
- c. Discrimination against people with disabilities;
- d. Discrimination against HIV and AIDS sufferers;
- e. Discrimination due to social caste.

The government provides legal protection in the form of statutory regulations such as Law no. 8 of 2016 concerning Persons with Disabilities. However, this is not yet effective considering that discriminatory treatment still often occurs and this discrimination has long-term impacts on people with disabilities. In fact, the state has 3 (three) obligations. The first is the obligation to respect, the state must not do anything or restrict anything that violates a person's integrity. The second is the obligation to protect, the government must take action to protect citizens from rights violations that occur. And thirdly, it is mandatory to fulfill it, the state must guarantee the rights of groups of people with disabilities.

Implementation of respect, protection and fulfillment of the rights of persons with disabilities as regulated in Law No. 8 of 2016, namely:

- a. Providing accessibility

Accessibility is the convenience provided to people with disabilities to realize equal opportunities. Some concrete examples of providing accessibility for people with disabilities as regulated in Law No. 8 of 2016, namely:

- 1) obtain accessibility provisions in judicial services (Article 9 letter f);
- 2) gain accessibility to utilize public facilities (Article 18 letter a),
- 3) obtain appropriate accommodation as a form of accessibility for individuals (Article 18 letter b), and so on.

In fact, to support the availability of accessibility, Article 99 of Law No. 8 of 2016 regulates the obligation of the Government and Regional Government to conduct an audit of the availability of accessibility facilities for Persons with Disabilities in each building, including checking the functional feasibility of the availability of facilities and accessibility for persons with disabilities. is a requirement for the issuance and extension of a certificate of good building function.

- b. Adequate accommodation for people with disabilities

Reasonable accommodations are appropriate and necessary modifications and adjustments to ensure the enjoyment or implementation of all human rights and fundamental freedoms for persons with disabilities on an equal basis. Forms of appropriate accommodation regulated in Law No. 8 of 2016, for example: in the field of public services, the Government and Regional Governments provide assistance, translation and provision of easily accessible facilities at public service locations without additional costs (Article 19 letter b); in the field of education, the Government and Regional Governments facilitate inclusive education and special education (Article 40 paragraph (2)) and facilitate Persons with Disabilities to learn the basic skills needed for independence and full participation in education and

social development (Article 41 paragraph (1)); in the field of work, employers are obliged to provide adequate accommodation and facilities that are easily accessible to workers with disabilities (Article 50 paragraph (4)), and so on.

c. Incentives Giving

Incentives or rewards are given by the Government and Regional Governments to: private companies that employ people with disabilities and tourism companies that provide travel services that are easily accessible to People with Disabilities. Forms of incentives include ease of licensing, awards and assistance in providing easily accessible work facilities.

d. Concession

Concessions are all forms of fee reductions provided by the Government, Regional Government, and/or any person to persons with disabilities based on Government and Regional Government policies. The Government and Regional Governments also strive for private parties to provide concessions for Persons with Disabilities. Forms of concessions include: discounts on entrance tickets to recreation and tourism areas.

e. Establishment of a Disability Services Unit

The Disability Services Unit is part of an institution or institution that functions as a provider of services and facilities for people with disabilities. Disability Service Units can be formed in State detention centers and correctional institutions, in inclusive education providers at primary, secondary and tertiary levels (Article 42), offices that carry out regional government affairs in the field of employment (Article 55).

2. Implementation of Law Number 8 of 2016 regarding the Fulfillment of the Rights of Persons with Disabilities in Indonesia

The majority of people with disabilities in Indonesia live in vulnerable, underdeveloped and poor conditions because there are still restrictions, obstacles, difficulties and reduction or elimination of the rights of people with disabilities. In fact, the regulation regarding the 1 percent quota for employment opportunities for people with disabilities as stipulated in Law No. 4 of 1997 has not been fully implemented, for example from 2008-2013 only 76 companies collaborated with the Cibinong Bina Daksa Vocational Rehabilitation Center to absorb workers. people with disabilities, there are even several companies that have exceeded the quota of 1 percent for every 100 employees.

Accessibility in the employment sector does not yet provide wide space for people with disabilities. Companies sometimes do not understand the rules between the jobs provided and the skills of people with disabilities. The issue of equal access for people with disabilities apparently does not only concern infrastructure and public services, but also the lack of access to justice. Existing legal procedures in several cases are still interpreted textually, thus hindering the rights of people with disabilities when dealing with the law, whether as witnesses/victims or perpetrators.

So far, it has been very difficult for people with disabilities to get access to justice when proceeding in court, both by guaranteeing physical facilities and friendly legal procedures. For this reason, the Government needs to realize equal rights and equal opportunities for people with disabilities towards a life that is prosperous, independent and without discrimination. As stated previously, this is the culmination of a paradigm shift from the old perspective which sees people with disabilities as "objects of charity" and social protection to a new perspective which sees people with disabilities as

"subjects" who have rights, are able to claim their rights, and able to make decisions about his life.

These rights are regulated in Articles 9 to 30 (*Convention on the Rights of Persons with Disabilities*)CRPD, among others:

- a. right to accessibility,
- b. right to live,
- c. the right to equal recognition before the law,
- d. the right to freedom from exploitation, violence and abuse,
- e. personal mobility rights,
- f. educational rights,
- g. the right to health, and
- h. right to get a job.

Through Law No. 8 of 2016, the Government and DPR strive to realize equal rights for people with disabilities. Realizing equal rights for persons with disabilities aims to:

- a. realizing full and equal respect, promotion, protection and fulfillment of human rights and basic freedoms of persons with disabilities;
- b. guarantee efforts to respect, promote, protect and fulfill the rights as inherent dignity of persons with disabilities;
- c. realizing a higher quality, fairer, physically and mentally prosperous, independent and dignified standard of living for persons with disabilities;
- d. protect persons with disabilities from neglect and exploitation, harassment and all discriminatory acts, as well as violations of human rights; And
- e. ensure the implementation of efforts to respect, promote, protect and fulfill the rights of persons with disabilities to develop themselves and utilize all abilities according to their talents and interests to enjoy, participate and contribute optimally, safely, freely and with dignity in all aspects of national, state, life. and social.

The rights of persons with disabilities are regulated in Article 5, which consists of 22 rights, namely: the right to life; free from stigma; privacy; justice and legal protection; education; employment, entrepreneurship, and cooperatives; health; political; religious; sports; culture and tourism; social welfare; accessibility; public service; protection from disasters; habilitation and rehabilitation; concession; data collection; live independently and be involved in society; express, communicate, and obtain information; changing location and citizenship; and free from acts of discrimination, neglect, abuse and exploitation.

Apart from the rights of Persons with Disabilities, specifically women with disabilities have the right to reproductive health; accept or refuse the use of contraceptives; get more protection from multiple layers of discriminatory treatment; and to obtain greater protection from acts of violence, including violence and sexual exploitation.

Meanwhile, specifically for children with disabilities, they have the right to receive special protection from discrimination, neglect, harassment, exploitation, as well as violence and sexual crimes; receive care and nurturing from a family or substitute family for optimal growth and development; their interests are protected in decision making; treating children humanely in accordance with the dignity and rights of children; meeting special needs; equal treatment with other children to achieve social integration and individual development; and receive social assistance.

The government strives to ensure that all the rights of persons with disabilities which are regulated in law can be realized in the form of respecting, protecting and fulfilling the rights of persons with disabilities. Respect is an attitude of appreciating or accepting the existence of persons with disabilities with all their inherent rights without

prejudice. Protection is a conscious effort to protect, protect and strengthen the rights of persons with disabilities. Meanwhile, compliance is an effort made to fulfill, implement and realize the rights of persons with disabilities.

5. CONCLUSION

From the conclusions of the series that the author described in the previous chapters, the following conclusions can be obtained:

1. Legal protection by the government for persons with disabilities is made in the form of statutory regulations such as Law Number 8 of 2016 concerning Persons with Disabilities. However, legal protection is not yet effective and is still repressive in nature. Even though there is a law, discrimination still occurs. This happens because there is little knowledge and awareness among the public, including business actors. The responsibility lies with the government but society itself also causes discrimination against people with disabilities. The government forgets that the government is the main authority in protecting human rights which is a factor in human rights violations because it is careless in monitoring and protecting people with disabilities.
2. This law regulates the rights of persons with disabilities to be free from torture or cruel, inhumane, degrading treatment, free from exploitation, violence and ill-treatment, as well as the right to have respect for their mental and physical integrity based on equality with other people. . For this reason, the Government is obliged to realize the rights of persons with disabilities as regulated in this Law, including ensuring the fulfillment of the rights of persons with disabilities in all aspects of life. So that the implementation of respect, protection and fulfillment of the rights of persons with disabilities can be realized optimally.

6. SUGGESTION

After the conclusion of this research, several suggestions will be presented for evaluation materials, namely, it is hoped that the government will further strengthen existing regulations. Apart from that, the government can provide outreach to the public that people with disabilities must be given special treatment. And the government must set standards for airlines to provide special facilities for people with disabilities.

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