

Challenges and Opportunities in Implementing Disability Rights: Policy Evaluation and Access To Welfare For Persons With Disabilities

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Abstract. *Persons with disabilities represent a diverse segment of society, facing unique challenges in accessing public services such as education, healthcare, and employment. In response, Indonesia ratified the Convention on the Rights of Persons with Disabilities (CRPD) through Law No. 19 of 2011, which serves to promote, protect, and ensure equal rights and fundamental freedoms for individuals with disabilities. This commitment led to the enactment of Law No. 8 of 2016, replacing an earlier, more compassionate framework with one emphasizing equality and the protection of rights for persons with disabilities. The law defines individuals with disabilities as those facing long-term physical, intellectual, mental, or sensory limitations and emphasizes the necessity of special protections to uphold their rights and prevent discrimination. The method used in this study is a normative legal research method. This study evaluates the effectiveness of disability rights protection policies in Indonesia, revealing significant challenges despite the legal framework established by Law No. 19 of 2011. Access to education, healthcare, and employment remains limited due to inadequate facilities, discriminatory practices, and social stigma. Effective solutions require strengthening the legal framework, increasing awareness, and involving the disability community in policy planning. Furthermore, robust monitoring and enforcement mechanisms are essential for safeguarding rights. To enhance protections, improved coordination among ministries, ongoing training for service providers, inclusive education practices, and recognition of employers who hire individuals with disabilities are critical. These measures are vital for fostering a more equitable society and ensuring the rights of persons with disabilities are upheld sustainably.*

Keywords: *Disability Rights, Policy Evaluation, Welfare Access*

1. INTRODUCTION

Individuals with disabilities represent a varied segment of society, including those with physical impairments, mental health issues, or a combination of both disabilities (Parmenter, 2021). The circumstances faced by individuals with disabilities can either have a slight effect on their societal participation or, on the contrary, can significantly hinder it, requiring them to seek support and assistance from others. Additionally, individuals with disabilities encounter more obstacles than those without disabilities when it comes to accessing public services, including education, healthcare, and job opportunities (Hashemi et al., 2022).

To safeguard the rights of individuals with disabilities, Indonesia ratified the Convention on the Rights of Persons with Disabilities (CRPD) via Law Number 19 of 2011, which pertains to the ratification of this Convention. The CRPD acts as both an international and national framework for human rights, designed to uphold, fulfil, and protect the rights of persons with disabilities in Indonesia, serving as both a tool for development and a mechanism for human rights protection. (Fikriyah, 2017). The purpose of this Convention is to protect and guarantee equal rights and fundamental freedoms for all individuals with disabilities, while also honoring the inherent dignity of persons with disabilities as essential members of society.

By ratifying this Convention, Indonesia aligns itself with the global community dedicated to diligently working towards the realization of the principles of respect, protection, and fulfillment of the rights of persons with disabilities as outlined in the Convention on the Rights of Persons with Disabilities. In line with this commitment, Indonesia promulgated Law Number 8 of 2016 concerning Persons with Disabilities, which supersedes Law Number 4 of 1997 regarding Disabled Persons, the latter of which was primarily focused on a compassionate approach. Law Number 8 of 2016 underscores the principle of equal treatment for persons with disabilities, establishing their status as equivalent to that of other individuals. The provisions of this law affirm the equal rights inherent to all human beings and ensure that persons with disabilities are afforded rights and opportunities across all facets of life and livelihood (Mangku & Yulianti, 2021).

The protection and assurance of rights extend beyond citizens with full physical and mental capabilities; rather, there is a pressing need to enhance the protection of rights for vulnerable groups, including persons with disabilities. Article 1, paragraph (1) of Law Number 8 of 2016 on Persons with Disabilities defines a person with disabilities as "any individual who has long-term physical, intellectual, mental, or sensory impairments that may result in obstacles and challenges in fully and effectively engaging with others in society on an equal basis." It is imperative to ensure the protection of persons with disabilities. Article 1, paragraph (5) of Law Number 8 of 2016 establishes that the protection of persons with disabilities is a concerted effort to safeguard, nurture, and strengthen their rights. As integral members of society, individuals with disabilities are entitled to special considerations to shield them from discrimination and violations of their human rights. This special treatment serves as a mechanism to enhance the universal respect, promotion, protection, and fulfillment of human rights.

2. LITERATURE REVIEW

The implementation of the rights of persons with disabilities in Indonesia has emerged as a crucial aspect of public policy and legislative development. As a measure of legal protection, Indonesia ratified the Convention on the Rights of Persons with Disabilities (CRPD) through Law No. 19 of 2011. This Convention serves as both an international and domestic legal framework designed to respect, fulfill, and safeguard the rights of individuals with disabilities. It emphasizes the state's obligation to promote and ensure equal rights and fundamental freedoms for all persons with disabilities, acknowledging their dignity as essential members of society with equal rights (Simamora & Panjaitan, 2023).

A significant action undertaken by the Indonesian government to enhance the domestic legal framework was the passage of Law No. 8 of 2016 concerning Persons with Disabilities, which superseded Law No. 4 of 1997 on Disabled Persons. The previous law adopted a more compassion-driven perspective, often perceiving persons with disabilities as objects of pity. In contrast, the new legislation transitions to a more inclusive paradigm of disability protection, recognizing individuals with disabilities as equals among all members of society. It underscores the importance of equal rights and opportunities across various domains of life, including education, healthcare, and employment.

Article 1(1) of Law No. 8 of 2016 characterizes persons with disabilities as individuals who encounter long-term physical, intellectual, mental, and sensory limitations. These limitations may hinder their effective participation in society when interacting with their environment. The law stresses the necessity of recognizing persons with disabilities as members of the citizenry who are entitled to protection and equal treatment as prescribed by relevant legislation. Additionally, Article 1(5) clarifies that the protection of persons with disabilities constitutes a deliberate effort to safeguard, nurture, and reinforce their rights. Article 1(5) further explains that protecting persons with disabilities is a conscious effort to safeguard, nurture, and strengthen their rights.

However, the implementation of this regulation faces complex challenges. These challenges include limitations in infrastructure and accessibility, which often impede the mobility and active participation of persons with disabilities. In many regions, public facilities are not fully disability-friendly, resulting in difficulties for persons with disabilities in accessing basic services such as transportation, education, and healthcare (Martiningsih, 2023). Furthermore, the lack of public awareness and understanding of the rights of persons with disabilities remains a major barrier that reinforces stigma and discrimination. Weak cross-sectoral coordination among various ministries and agencies often leads to overlapping policies and inconsistent implementation. This issue is exacerbated by limited budget allocations and adequate human resources to support the policy's execution (Tsaputra & Pollard, 2024).

Conversely, there are several opportunities that can be utilized to enhance the implementation of the rights of persons with disabilities. One effective strategy is the establishment of inclusive, data-driven policies that can improve the efficacy of programs and inform decision-making processes. Creating a national database for persons with disabilities would enable the government to effectively plan and oversee the implementation of relevant policies (Fisher & Purcal, 2017). Moreover, partnering with non-governmental organizations (NGOs) and international organizations can create avenues for sharing experiences and

resources, thereby enhancing the government's ability to safeguard and fulfill the rights of persons with disabilities. It is also essential to provide training for policymakers, healthcare professionals, and educators on inclusive practices to address gaps in implementation effectively (Mac-Seing et al., 2022).

From a theoretical perspective, this implementation is grounded in the principles of social justice as outlined by John Rawls, which assert that the equitable distribution of resources and opportunities must encompass all individuals, including those with disabilities (Shakespeare & Watson, 2018). This theory emphasizes the necessity of ensuring equal access and participation for all. Moreover, the social model of disability posits that disability is not solely an individual concern but arises from environments that lack inclusivity. Consequently, policies must prioritize the removal of structural and social obstacles.

Despite the existing challenges, opportunities for improvement in implementing disability rights policies in Indonesia remain vast. Stronger legislation increases public awareness, and collaborative approaches can lay the foundation for sustainable change (Valle & Connor, 2019). This is expected to ensure that persons with disabilities can enjoy a life equal to other members of society under the principles of justice and respect for human rights.

3. METHODS

The research method employed is normative legal research, which examines the norms or rules that prevail within society and serves as a reference for individual behaviour (Taekema, 2018). Normative legal research is also referred to as theoretical/dogmatic legal research. Normative legal research only analyzes secondary data (McCrudden, 2017). The focus of normative legal research includes the inventory of positive law, legal principles and doctrines, the level of legal synchronization, comparative law, and the history of law.

4. RESULTS

Evaluating the Policy on the Protection of Disability Rights

According to data from the Coordinating Ministry for Human Development and Cultural Affairs (Kemenko PMK), the current population of persons with disabilities in Indonesia stands at 22.97 million, representing around 8.5% of the total population (Putranto et al., 2023). The prevalence of disabilities is most significant among the elderly. Individuals with disabilities encounter numerous social and economic challenges, including restricted access to employment, education, information, healthcare, and various other services.

Persons with disabilities are characterized as individuals who experience enduring physical, intellectual, mental, and sensory impairments, which lead to challenges in engaging with their environment and impose limitations on their ability to carry out daily tasks or activities (Vornholt et al., 2018). According to Article 1(1) of Law No. 8 of 2016, the term "persons with disabilities" refers to individuals who possess long-term physical, intellectual, mental, and sensory impairments. These limitations may lead to obstacles and challenges in their interactions with the environment, hindering their ability to participate fully and effectively on an equal footing with others.

Law No. 8 of 2016 repeals Law No. 4 of 1997 and serves as the legal foundation for the rights of persons with disabilities. It is implemented through its derivative regulation, Minister of Social Affairs Regulation No. 21 of 2017, on issuing Disability Cards. The types of disabilities according to Article 4(1) of Law No. 8 of 2016 include:

- a. Persons with physical disabilities;
- b. Persons with intellectual disabilities;
- c. Persons with mental disabilities; and/or
- d. Persons with sensory disabilities.

Indonesia has ratified the Convention on the Rights of Persons with Disabilities through Law No. 19 of 2011. Additionally, the government has enacted Government Regulations (PP) in accordance with the provisions of Law No. 8 of 2016 regarding Persons with Disabilities. The following regulations outline the policy framework regarding persons with disabilities:

1. Government Regulation No. 52 of 2019 on the Implementation of Social Welfare for Persons with Disabilities;
2. Government Regulation No. 70 of 2019 on the Planning, Implementation, and Evaluation of the Respect, Protection, and Fulfillment of the Rights of Persons with Disabilities;
3. Government Regulation No. 13 of 2020 on Reasonable Accommodations for Students with Disabilities;
4. Government Regulation No. 39 of 2020 on Reasonable Accommodations for Persons with Disabilities in Judicial Processes;
5. Government Regulation No. 42 of 2020 on Accessibility to Settlements, Public Services, and Protection from Disasters for Persons with Disabilities;
6. Government Regulation No. 60 of 2020 on Disability Service Units in the Field of Employment;

7. Presidential Regulation No. 67 of 2020 on the Requirements and Procedures for Granting Awards for the Respect, Protection, and Fulfillment of the Rights of Persons with Disabilities;
8. Presidential Regulation No. 68 of 2020 on the National Commission for Persons with Disabilities;
9. Ratification of the International Treaty regulated by Presidential Regulation No. 1 of 2020 on the Ratification of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

The establishment of these derivative regulations pursuant to the Act is intended to safeguard and fulfill the rights of persons with disabilities, as well as to promote their role as active contributors to national development (Yuliartini et al., 2023). It aims to empower and assist persons with disabilities in becoming resilient and independent individuals or groups, enabling them to attain equality and enjoy the same rights as other citizens. Recognized as one of the most vulnerable populations to violence and abuse, it is imperative that the state guarantees their protection against potential threats and dangers (Laing, 2017). Individuals with disabilities are entitled to legal protection under the law and have the right to exercise their legal rights on an equal basis with all citizens of Indonesia.

The government is obligated to explore strategies and measures to strengthen national capacity in promoting the rights of persons with disabilities. These rights are assured by the state and are governed by Law No. 19 of 2011:

a. Right to Equality and Non-Discrimination

Individuals with disabilities are entitled to equitable opportunities and treatment in society, as well as under the law. They have the right to equal protection and legal advantages without facing discrimination. Law No. 19 of 2011 acknowledges the rights of persons with disabilities. In accordance with Law No. 8 of 2011, the government has enacted seven Government Regulations (PP) concerning individuals with disabilities.

b. Right to Accessibility

Individuals with disabilities are entitled to equal access to public facilities and services. Consequently, the state is obligated to facilitate such access to ensure that all services are readily available. This provision allows persons with disabilities to lead independent lives without dependence on others. The fulfillment of this requirement reflects the ongoing need for the state to address the diverse rights of communities aiming to enhance their living conditions.

c. Right to Life

Persons with disabilities have an equal opportunity to live and are guaranteed protection by the state. They have the right to a decent life that must be fulfilled by the state, which includes the following:

- 1) The right to respect for their integrity.
- 2) The right to equal life.
- 3) The assurance of the continuity of life.
- 4) Protection from neglect, restraint, confinement, exclusion, and threats.
- 5) Protection from all forms of exploitation and torture.
- 6) Protection from torture and cruel or inhuman treatment.

d. Right to Awareness Raising

The state is also required to promote education and awareness campaigns to increase public understanding of persons with disabilities. This initiative is designed to cultivate respect for the rights and dignity of individuals facing such limitations.

e. Right to Freedom from Exploitation and Violence

Modifications and adjustments are necessary to guarantee the fair enforcement of human rights for persons with disabilities, thereby preventing discrimination that encompasses any differences, exclusions, or restrictions directed at these individuals. Furthermore, this pertains to the design of public spaces to ensure accessibility for persons with disabilities. Consequently, the design of products, features, and services must accommodate all individuals, although assistive devices may be necessary in specific situations.

f. Policy Evaluation on the Protection of Disability Rights

Assessing disability rights is an essential undertaking to guarantee that individuals with disabilities can fully exercise their rights in accordance with internationally acknowledged human rights standards. The following are several relevant evaluation points:

1) Compliance with the Convention on the Rights of Persons with Disabilities

The United Nations Convention on the Rights of Persons with Disabilities serves as the foundational framework delineating the rights of individuals with disabilities. The assessment should take into account the degree to which states have embraced, enforced, and adhered to its principles.

2) Accessibility

The assessment should evaluate the degree of accessibility concerning physical spaces, communication, and information for individuals with disabilities. This encompasses

access to public facilities, transportation, healthcare services, educational institutions, and publicly available information.

3) Inclusive Education

The assessment should gauge the extent to which the educational system offers equitable and inclusive access for students with disabilities. This includes the provision of special education services, training for educators, and essential support for students with specific needs.

4) Health and Social Services

The evaluation should examine individuals with disabilities' access to adequate healthcare and social services supporting independent living. This includes access to healthcare, medical rehabilitation, technological assistance, and social support.

5) Participation in Decision-Making Processes

The evaluation should assess the extent to which individuals with disabilities have opportunities to participate in decision-making processes that affect their lives, whether in political, social, or economic contexts.

6) Protection Against Discrimination

The evaluation should identify whether effective laws and policies protect individuals with disabilities from discrimination in the workplace, education, and public life generally.

7) Access to Justice

The evaluation should assess individuals with disabilities' access to a fair and effective justice system, including access to information, interpretation, and necessary legal assistance.

8) Economic Empowerment

The evaluation should consider efforts to enhance the economic empowerment of individuals with disabilities, including access to equal job opportunities, skills training, and support for starting independent businesses.

9) Protection Against Violence and Abuse

The evaluation should assess whether effective measures are in place to protect individuals with disabilities from violence, neglect, and abuse, as well as to provide appropriate services and support for victims.

Law No. 19 of 2011, which ratifies the Convention on the Rights of Persons with Disabilities, represents a significant advancement in offering legal protection for individuals with disabilities in Indonesia. While this legislation demonstrates the government's dedication

to realizing the rights of persons with disabilities, its implementation necessitates thorough evaluation. The following are some considerations related to the implementation of this Law:

1. Strengthening the Legal Framework

Law No. 19 of 2011 establishes a crucial legal framework for safeguarding the rights of persons with disabilities. Nevertheless, for effective implementation, it is essential to properly execute the subordinate regulations and supportive policies that facilitate the application of the principles set forth in the Convention.

2. Availability of Resources

The implementation of the Law may differ from one region to another, influenced by the availability of human, financial, and infrastructural resources. Insufficient resources can create obstacles to ensuring equal access for persons with disabilities.

3. Awareness and Training

Increasing awareness of the rights of persons with disabilities and offering training for various stakeholders, such as government officials, service providers, and the public, is essential for ensuring the effective implementation of these rights.

4. Accessibility

It is important to evaluate how accessibility has been improved across various aspects of life, including access to education, healthcare, employment, transportation, and participation in community life. This includes not only physical access but also access to information and communication.

5. Participation and Consultation

It is vital to assess the advancements in accessibility in multiple facets of life, encompassing education, healthcare, employment, transportation, and community engagement. This evaluation should consider both physical access as well as access to information and communication.

6. Monitoring and Law Enforcement

Robust mechanisms are essential for overseeing the enforcement of the Law and addressing any infringements on the rights of persons with disabilities. This encompasses the establishment of public complaint systems and accessible legal procedures for individuals with disabilities who encounter discrimination or mistreatment.

5. DISCUSSION

Reviewing the Challenges in Enhancing Welfare Access for Persons with Disabilities

1. Challenges of Physical Accessibility

Physical accessibility challenges for persons with disabilities in daily life, when examined from the standpoint of building accessibility, public facilities, and supportive elements that facilitate activities, are crucial for ensuring their welfare.

- a. **Building Accessibility**
- b. Installing handrails on sidewalks or walkways designed for persons with disabilities can provide additional safety and enhance accessibility in various situations. This improvement increases their independence and mobility while reducing the risk of injury or accidents when navigating streets or sidewalks (Machingaidze, 2021).
- c. **Public Transportation**
Public transportation often falls short of meeting the needs of persons with disabilities. Inadequate accessibility features, such as buses or trains lacking ramps, insufficient auditory alerts for stop announcements, or unfriendly stations to persons with disabilities, can render travel difficult or even impossible. Consequently, their mobility may be severely restricted, limiting access to employment, education, and recreational opportunities (Bezyak et al., 2020).
- d. **Public Facilities**
- e. Public facilities such as parks or recreational areas are frequently not designed with the needs of persons with disabilities in mind. Restrooms lacking support facilities or adequate access for wheelchairs, parks without wheelchair-friendly pathways, or recreational areas without sufficient accessibility features all hinder the ability of persons with disabilities to participate in social activities (Calder et al., 2018).

2. Challenges of Accessing Healthcare Services

Individuals with disabilities often face substantial obstacles in obtaining the healthcare services they need. These obstacles can arise from multiple factors, such as physical barriers, financial constraints, insufficient support, or instances of discrimination (Vornholt et al., 2018). It is essential to comprehend the implications of this unequal access and to identify efforts that can be undertaken to address these challenges. It is essential to comprehend the implications of this unequal access and to identify efforts that can be undertaken to address these challenges.

Equal access to healthcare services is a fundamental human right that applies to all individuals, including those with disabilities. Every individual is entitled to receive the necessary care required to maintain their health and well-being. Providing equal access to healthcare services empowers individuals with disabilities by allowing them to manage their health conditions and make informed choices about their care. Disparities in access to

healthcare can result in significant health inequities between individuals with disabilities and those without, potentially worsening existing health disparities. By guaranteeing equal access to healthcare services, individuals with disabilities can enhance their quality of life by effectively managing their health conditions, preventing complications, and promoting their overall well-being (Stefánsdóttir et al., 2018; Szmukler, 2019).

Addressing the challenges related to access to healthcare services faced by individuals with disabilities can ensure that all individuals have equal opportunities to obtain the healthcare they require. This matter transcends mere justice; it represents a crucial opportunity to foster a more inclusive and equitable society for all.

3. Challenges of Accessing Information and Technology

In an ever-evolving digital era, technology has emerged as a crucial factor in addressing various societal issues. One significant concern that warrants attention is accessibility for individuals with disabilities. These individuals frequently face challenges accessing services, information, or even employment opportunities commensurate with others (Bricout et al., 2021). Many may not fully comprehend the extent to which accessibility issues present substantial obstacles for individuals with disabilities in their daily lives.

For individuals with disabilities, accessibility can constitute a significant barrier to engaging in everyday life (Bezyak et al., 2020). For instance, a person with a visual impairment may encounter difficulties accessing written information or reading newspapers. They may require additional assistance, such as screen reader devices or Braille, to access written text. Similarly, an individual with hearing impairments may struggle to communicate through standard telephone calls, necessitating assistive devices such as text telephones or sign language interpreters for effective communication.

The challenges faced in efforts to enhance the well-being of individuals with disabilities are complex and demand serious attention. Individuals with disabilities often encounter obstacles in accessing information and technology, encompassing access to literature, media, education, and communication technology (Lazar & Stein, 2017). A principal barrier is access to literature; many reading materials and information sources are not available in formats accessible to individuals with disabilities. For example, physical books may lack Braille editions for those with visual impairments, while e-books may not possess adequate screen reader support. In this context, it is imperative to ensure that literature and educational materials are available in alternative formats that are accessible to all individuals, including those with disabilities.

Moreover, access to media is a significant concern. Mass media, both print and digital, frequently needs comprehensive disability-friendly features. Video or audio content may not include sign language interpretation or embedded text, complicating understanding for individuals with hearing impairments. Likewise, images and graphics in printed media may be inaccessible to those with visual impairments. It is vital to ensure that media provides equal access to all individuals, including those with disabilities, by offering sign language interpretation, alternative text, and necessary image descriptions (Ellis & Goggin, 2017).

Accessibility challenges also manifest in the educational context. Individuals with disabilities often face difficulties in obtaining an education comparable to their peers. The lack of physical accessibility in school buildings, curricula that do not accommodate individual needs, or insufficient support and assistance can hinder access to quality education. Ensuring that inclusive educational environments are effectively implemented and granting individuals with disabilities equal access to quality education is essential (DeMatthews et al., 2020).

In conclusion, communication technology plays a central role in contemporary life. However, individuals with disabilities frequently encounter challenges utilizing modern communication technologies, such as smartphones or instant messaging applications. Complicated or non-disability-friendly communication media can present barriers to effective communication with others. Therefore, all stakeholders need to prioritize and enhance the accessibility of communication technologies to foster inclusivity for individuals with disabilities.

Furthermore, it must be noted that accessibility is not the sole aspect to consider. Communication technology must also account for the diverse needs of various types of disabilities, including visual, auditory, motor, or cognitive impairments. Inclusive solutions should be designed with this diversity in mind, offering relevant features for each disability group. Overall, attention to the accessibility of communication technology for individuals with disabilities represents a critical step toward achieving greater inclusivity. By addressing existing barriers and involving individuals with disabilities in the design process, we can create a more inclusive and empowering digital world for all individuals, regardless of their abilities.

4. Social Challenges and Stigma

Social challenges and stigma pose substantial barriers to enhancing access to welfare for individuals with disabilities, making this issue pertinent to the principles of social justice as established in the 1945 Constitution of the Republic of Indonesia. Article 27, paragraph (2) of the 1945 Constitution stipulates that "The State guarantees equitable welfare for all Indonesian

citizens." This provision underscores the constitutional obligation to foster social justice and equity for all citizens, including those with disabilities.

However, in practice, individuals with disabilities often face challenges and discrimination that limit their access to welfare comparable to that of other citizens. The social stigma attached to individuals with disabilities frequently acts as a primary barrier to achieving equality and inclusion (Tsatsou, 2021). Despite significant progress in raising awareness and understanding of the issues faced by individuals with disabilities, there remains a considerable amount of work to be done to mitigate the barriers they encounter in their daily lives.

A significant challenge faced by individuals with disabilities is the social stigma that surrounds them. This stigma often arises from stereotypes and societal biases concerning their abilities. Individuals with disabilities may be viewed as less competent or as not being able to make substantial contributions to society. These misconceptions can result in discrimination across multiple areas of life, including education, employment, accessibility to physical spaces, and involvement in social activities (Mattila & Papageorgiou, 2017). This stigma can result in social isolation, low self-esteem, and difficulty establishing healthy relationships.

In addition to social stigma, structural challenges also impact access to welfare for individuals with disabilities. For instance, many physical environments are inadequately designed to meet their needs, such as a lack of accessibility in buildings, lack of disability-friendly transportation, or insufficient healthcare facilities. These factors can restrict their mobility and participation in everyday activities.

Opportunities to Improve Policy Evaluation in Ensuring the Rights of Persons with Disabilities

Evaluating the rights of persons with disabilities can help ensure that individuals with disabilities have equal and adequate access to their rights under human rights principles (Mégret, 2017). This process involves the active participation of the disability community to guarantee that all aspects of their lives are taken into account and that their rights are fully respected.

Public policy refers to an ongoing and interrelated process undertaken by the government and stakeholders to regulate, manage, and resolve various public affairs, public issues, and available resources for the public good. Among the stages in the policy process, public policy's implementation and evaluation phases are the most crucial. The objective is to ensure that public policies are truly applicable to society. This is accomplished by critically and intelligently assessing public policies, both planned and already in effect, as well as measuring the extent to which they achieve their intended objectives, targets, and impacts.

Law No. 8 of 2016 concerning Persons with Disabilities (from now on referred to as the Disability Law) stipulates that "Persons with Disabilities are individuals who have long-term physical, intellectual, mental, and sensory impairments, which in interaction with their environment may face obstacles and difficulties in fully and effectively participating with other citizens on an equal basis."

1. The Right to Mental Health Protection

Article 21 of Law No. 36 of 2009 concerning Mental Health establishes the right of citizens to access quality and affordable mental health services. Furthermore, Article 26 of Law No. 18 of 2014 concerning Mental Health guarantees individuals the right to receive clear and accurate information related to mental health, along with appropriate protection and recovery measures. Additionally, the Regulation of the Minister of Health of the Republic of Indonesia No. 68 of 2016 concerning Standards of Mental Health Services delineates the standards that mental health facilities are required to uphold. However, the implementation of these provisions frequently encounters challenges, particularly concerning the accessibility of mental health services, which remains inadequate, especially in rural areas. Despite the legal framework designed to safeguard mental health rights, there are significant hurdles to its effective application. Thus, it is imperative that the mental health rights of all individuals in Indonesia are safeguarded and fulfilled through more systematic and coordinated efforts by the government, healthcare institutions, and society at large. Collaborative engagement among various institutions and stakeholders is essential to reinforce the protections outlined in the provisions related to mental health rights.

One of the measures that can be taken is to enhance coordination between the Ministry of Health and other relevant institutions. This would enable policy alignment through improved inter-agency coordination with institutions such as the Ministry of Social Affairs, Women's Empowerment and Child Protection, and the Ministry of Law and Human Rights. Better policies and programs to meet public mental health needs can be more effectively synchronized if these institutions work cooperatively. Improving the capacity of human resources in the field of mental health is also critical. Health workers, including doctors, psychologists, and nurses, require ongoing training and education to deepen their understanding of mental health issues and enhance their ability to provide quality care. Involving non-governmental organizations and local communities in outreach and advocacy programs can also help reduce the stigma associated with mental health.

The government can strengthen oversight and evaluation of mental health policy implementation by regularly monitoring mental health facilities and assessing their compliance

with service standards (Byrne et al., 2018). Enhanced data collection on the prevalence and distribution of mental health disorders across different regions is also essential to support better program planning and efficient resource allocation. Additionally, solutions may arise from supporting innovation and technology in mental health services. Individuals living in remote areas can access services more easily through the development of applications or online platforms for mental health consultations and interventions.

Community involvement in decision-making processes is vital to ensure that policies align with public needs and preferences. The community should participate in the planning, implementing, and monitoring of mental health programs. This participatory strategy is expected to generate broader and more sustainable support for improving mental health rights protection in Indonesia (Anomsari & Mursalim, 2020). By implementing these measures comprehensively and sustainably, significant improvements in protecting mental health rights in Indonesia are anticipated. This will improve public mental well-being and foster a more inclusive and supportive environment.

2. The Right to Education

Law No. 8 of 2016 concerning Persons with Disabilities serves as a specific legal framework that regulates the rights of individuals with disabilities in Indonesia. Notably, Article 4 of this Law emphasizes the entitlement of every person with a disability to receive equal treatment across all aspects of life, establishing a solid legal foundation for the State's duty to uphold non-discrimination. This inherently includes educational rights, which are vital for all individuals, as they relate to their access to such rights. Law No. 20 of 2003 concerning the National Education System, Article 5, paragraph 1, asserts that every citizen has the right to quality education. Article 5, paragraph 2, stipulates that citizens with physical, emotional, mental, intellectual, or social disabilities are entitled to receive special education. Article 32, paragraph 1 defines special education as tailored education for students with physical, emotional, mental, intellectual, or social disabilities. Additionally, Article 51 ensures that children with physical and mental disabilities are afforded equal opportunities to access education. This provision allows children with physical disabilities (i.e., children with special needs) the choice to either participate in special education, as articulated in Article 5, paragraph 2, or to enroll in mainstream education alongside their non-disabled peers. However, inadequate facilities, rigid educational frameworks, and unsupportive school environments hinder the full integration of children with disabilities with their classmates. To accommodate the needs of children with disabilities, it is essential to implement changes that modify the

education system, teaching methods, and learning environments to promote inclusivity and adaptability.

Regulation of the Minister of National Education Number 70 of 2009 establishes guidelines for special education, creating opportunities for children with special needs to enroll in mainstream schools, including elementary, junior high, and senior high schools. These institutions are commonly referred to as inclusive education schools. In Indonesia, the educational framework for children with special needs remains insufficient due to their segregation from non-disabled peers and their placement in Special Schools (Sekolah Luar Biasa or SLB). The education provided in SLBs can impede communication and interaction between children with special needs and their non-disabled counterparts. It is imperative that schools accept all children, irrespective of their physical, intellectual, social, emotional, or linguistic conditions. Inclusive education encompasses the provision of services for students with special educational needs in regular schools (elementary, junior high, senior high, or vocational high schools) who face significant challenges due to disabilities, learning difficulties, or slow learning. This approach facilitates enhanced access to education for children with disabilities. Historically, children with special needs have frequently encountered rejection when seeking admission to public schools and have instead been directed to attend SLBs for various reasons provided by these institutions. This issue is further compounded by the limited involvement of human resources within education departments in the implementation of inclusive education initiatives, along with insufficient budget allocations from regional government budgets (APBD).

3. Protection of the Right of Persons with Disabilities to Obtain Employment in Private and State-Owned Enterprises

Article 28D, paragraph (2) of the 1945 Constitution of the Republic of Indonesia guarantees that every individual has the right to work and to receive equitable and appropriate remuneration and treatment in the workplace. Law Number 8 of 2016 concerning Persons with Disabilities, specifically Article 11 letter (g), recognizes the right to career advancement opportunities along with the associated normative rights of such positions. Furthermore, Article 67, paragraph (1) of Law Number 13 of 2003 concerning Manpower mandates that employers who hire workers with disabilities must provide protection based on the specific type of disability. Additionally, Article 53, paragraphs (1) and (2) of the Persons with Disabilities Law stipulates that (1) government entities, regional governments, state-owned enterprises, and regional-owned enterprises are required to employ at least 2% of their total workforce as

persons with disabilities; and (2) private sector companies must employ a minimum of 1% of their total workforce from among persons with disabilities.

One of the common requirements in job vacancy announcements for prospective employees or staff is that applicants must be physically and mentally healthy and presentable. These requirements are often written without further explanation, leading to broad interpretations. Mental health implies not only psychological (mental) health but also moral health. Physical health implies that an individual is free from physical impairments and all diseases. In addition to being required to be presentable, candidates are often expected to appear neat. Such conditions discriminate against persons with disabilities by limiting their equal employment opportunity compared to non-disabled individuals. In particular, Law Number 8 of 2016 concerning Persons with Disabilities also establishes legal protections for workers with disabilities. Theoretically, three types of employment protection are recognized as follows:

- a. Social Protection pertains to the safeguarding of individuals through community initiatives aimed at enabling workers to live and thrive similarly to others, particularly as integral members of society and family. This form of protection is also referred to as occupational health.
- b. Technical Protection involves measures designed to shield workers from dangers associated with tools or materials used in their work. This form of protection is commonly known as occupational safety.
- c. Economic Protection involves initiatives aimed at ensuring that workers receive adequate income to satisfy their daily needs and those of their families, including circumstances in which they are unable to work due to factors beyond their control. This type of protection is widely recognized as social security.

The Convention on the Rights of Persons with Disabilities (CRPD), to which Indonesia is a signatory, asserts in Article 27 regarding Work and Employment that State Parties acknowledge the right of persons with disabilities to engage in work on an equal basis with others. This encompasses the right to pursue a livelihood through work that is freely chosen or accepted. The CRPD establishes a foundation for persons with disabilities to maintain their livelihoods and to assert their pre-existing rights. Nevertheless, the government frequently neglects the employment rights and job opportunities available to persons with disabilities.

Pursuant to Law No. 19 of 2011 concerning the Ratification of the Convention on the Rights of Persons with Disabilities, the principal provisions of the Convention, particularly clauses (3) and (5), stipulate the following: (3) The State is obligated to implement the rights

enshrined in the Convention by harmonizing national legislation, laws, and administrative measures, which includes amending any discriminatory laws, customs, and practices affecting persons with disabilities, including women and children, and ensuring their participation in all spheres of life, such as education, health, employment, politics, sports, arts and culture, as well as in the use of technology, information, and communication. (5) National Implementation and Monitoring – State Parties are required to appoint a governmental agency tasked with addressing issues pertaining to persons with disabilities in relation to the implementation of the Convention and to establish a coordination mechanism at the governmental level to facilitate these efforts.

Law Number 39 of 1999 concerning Human Rights establishes comprehensive regulations aimed at safeguarding human rights and promoting human dignity. This legislation is anchored in the core principles of universal human rights as articulated in the Universal Declaration of Human Rights, ensuring the protection and exercise of human rights for all citizens. The right to employment and job opportunities, as specified in the Convention on the Rights of Persons with Disabilities (CRPD), is an integral human right, affirming that every individual is entitled to participate in, contribute to, and benefit from economic, social, cultural, and political advancements where all fundamental freedoms and human rights can be fully realized.

In its commitment to protecting and fulfilling the rights of persons with disabilities, the State must observe the following fundamental principles:

- a. Acknowledgment of inherent dignity and individual autonomy, which includes the right to make personal choices and maintain independence;
- b. Prohibition of discrimination;
- c. Assurance of full and effective participation and inclusion within society;
- d. Recognition and acceptance of diversity, viewing persons with disabilities as integral to human diversity and humanity;
- e. Provision of equal opportunities;
- f. Guarantee of accessibility;
- g. Promotion of gender equality.

In Indonesia, all individuals should possess equal rights to access education and gainful employment, necessitating an inclusive approach to workforce development. However, the reality remains that very few businesses hire persons with disabilities. Law No. 8 of 2016 imposes an obligation on employers to employ individuals with disabilities. Addressing the challenges faced by persons with disabilities extends beyond mere employment; it also

necessitates collaboration with various institutions, including the Ministry of Social Affairs, the Ministry of State-Owned Enterprises, the Employers' Association (Apindo), and labor unions. To combat the perception of persons with disabilities as lacking strength or capability, the government should acknowledge and reward companies that hire individuals with disabilities and facilitate job fairs targeted at this demographic. Employment protections may be enhanced through guidance and financial support, alongside a heightened awareness of human rights, physical safeguards, and socio-economic protections consistent with relevant workplace norms.

6. CONCLUSION

The evaluation of disability rights protection policies in Indonesia highlights that despite a supportive legal framework through Law No. 19 of 2011, significant challenges remain in achieving equality for persons with disabilities. Access to education, healthcare, and employment opportunities is limited, indicating a need for improved accessibility and resources. Strengthening the legal framework, raising awareness, and involving the disability community in policy planning is crucial for effective solutions. Furthermore, robust monitoring and enforcement mechanisms are necessary to protect the rights of individuals with disabilities. Persons with disabilities in Indonesia face considerable challenges, including inadequate public facilities and transportation, discriminatory barriers to healthcare access, and the digital divide in information availability. Social stigma and prejudice also hinder efforts for equality. Therefore, collaboration among government, society, and stakeholders is essential to create inclusive policies and address these challenges, fostering a fair and equitable society.

Enhancing policy evaluations to safeguard the rights of persons with disabilities is vital. Active participation from the disability community is needed to address all aspects of their lives. While existing laws provide a solid legal basis, implementation challenges persist, especially in mental health services, education, and employment. To improve rights protection, coordination among ministries, continuous training for healthcare providers and educators, inclusive education practices, and technology development for mental health service access are critical. Moreover, attention must be given to preventing discrimination in hiring processes and recognizing companies that employ persons with disabilities. Through these measures, the rights of individuals with disabilities can be effectively and sustainably upheld in Indonesia..

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