

THE LAW ON PERSONS WITH DISABILITIES: HOW FAR HAVE WE GONE? (CASE STUDY IN INDONESIA)

Dumilah Ayuningtyas, Universitas Indonesia
Riani Rachmawati, Universitas Indonesia
Ayudina Larasanti, Universitas Indonesia
Cindy Margaretha, Universitas Indonesia
Sahfira Ulfa Hasibuan, Universitas Indonesia
Qurrata Ayuni, Universitas Indonesia

ABSTRACT

The inequality of educational opportunities and access to labor experienced by Persons with Disabilities (PwD) shows that the amendment of Law no. 4 of 1997 into Law no. 8 of 2016 has not succeeded in providing an inclusive space for PwD. A human rights-based, independent, and non-charity-based approach makes the Law on PwD a guide for fulfilling disability rights in Indonesia. This paper use qualitative-quantitative and juridical-normative methods to evaluate the implementation of the Law on Persons with Disabilities in various aspects, including education and the labour market during the COVID 19, which globally known as a public health emergency. In the end, this paper acknowledges two significant findings; first, the absence of policies at the regional level made the inclusiveness challenging to implement as a public service minimum standard. Second, the need for a special policy for PwD during the COVID-19 pandemic is essential to adapt the protection of public health for the most vulnerable such as PwD.

Keywords: Disability, Inclusivity, Public Health Emergency, Indonesia.

INTRODUCTION

Law No. 8 of 2016 concerning Persons with Disabilities has become the legal basis for implementing inclusive policies for persons with disabilities. However, the ongoing practice has not yet fully provided the flexibility to strive for inclusiveness. As mentioned in the previous section, disability is almost always associated with illness or helplessness, which creates discrimination for people with it.

Prior to the enactment of Law Number 8 of 2016 concerning PwD, the regulation regarding Persons with Disabilities was regulating in Law Number 4 of 1997. Unfortunately, this arrangement does not have a human rights perspective. The context of Law Number 4 of 1997 concerning Disabled Person was more used charity based approached. Besides, the fulfilment of the rights of PwD was consider a social problem whose policies for the fulfilment of their rights are only social security, social rehabilitation, social assistance, and social welfare improvement.

The explanation of Law No. 8 of 2016 asserts that persons with disabilities should have the same opportunities to develop themselves through independence as human beings with dignity.

Indonesia has officially ratified the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) through Law No. 19 of 2011. According to the UNCRPD, disability results from people's interactions with limited functions with their environment, which reduces their effective participation in society. This definition was adopted into Indonesia's Law No. 8 of 2016 concerning Persons with Disabilities, which states that Persons with Disabilities (PwD) are persons who experience physical, intellectual, mental, and/or sensory limitations for long periods. When PwD interacts with their environment, they can experience obstacles and difficulties in participating fully, effectively, and on equal terms with other residents in their countries.

Ensuring Indonesia implements the policies contained in Law no. 8 of 2016 on Persons with Disabilities is still a significant challenge. Based on data from the Central Statistics Agency in 2020, the inequality of high school education opportunities (14.63%) for persons with disabilities is higher than for other education (Pre-school 10.20%, elementary and middle school 3.06%). In addition, students with disabilities need more extended study periods (McKinley Yoder and Cantrell 2019) and have a much higher likelihood of dropping out of school than their peers without disabilities (Lane 2014; Dougherty et al., 2018; McKinley et al., 2019; Morña & Orozco, 2021).

The main factors that influence the inequality of opportunities for people with disabilities and non-disabled people include per capita expenditure, education of the head of household, the neighbourhood of residence, and gender. In addition, employment achievements or labor market access for people with disabilities can be seen from the Labor Force Participation Rate (LFPR). LFPR for people with disabilities is far below the LFPR for non-disabilities. Even during 2016-2019, the differences in LFPR between people with disabilities and non-disabled people tended to widen.

The data above shows that Indonesia still faces problems managing people with disabilities, including low education rates and low accessibility for labor fields. The occurrence of these problems cannot separate from the various negative perceptions inherent in society about disabilities (Vornholt et al., 2018; Bamu & Van-Hove, 2017; Asghar et al., 2020). So far, disability is almost always associated with illness or helplessness, which creates discrimination for people with it. Poerwanti (2017) states that some people consider that the physical limitations of persons with disabilities are directly proportional to their intellectual level.

The marginal position for persons with disabilities reflects the not optimal practice or policy regarding inclusiveness towards people who may be excluded or marginalized (Kruse et al., 2018; Park, 2017), such as people with physical or mental disabilities or other minority groups. One of the most vulnerable groups in the current COVID-19 pandemic situation is PwD. Persons with disabilities generally have more health care needs, both standard needs and needs related to the disorders/limitations. As part of human beings and citizens of Indonesia, constitutionally, persons with disabilities have the same rights and position before the law and government (Margaretha & Ayuningtyas, 2021). Especially in emergencies such as the COVID-19 pandemic, people with disabilities are a very vulnerable group and have a higher risk because families of children with disabilities have difficulty meeting basic daily needs because they cannot work. Furthermore, COVID-19 affects access to health and rehabilitation services for

children with disabilities and influences peer support networks and social support for parents of children with disabilities (Safta-Zecheria, 2020; Jumreornvong et al., 2020; Qi & Hu, 2020; Mbazzi et al., 2020).

Therefore, this paper will analyse the definition of 'disability' in accordance with the social constructs that develop in society so that interventions to increase the inclusiveness of persons with disabilities can be more effective. In addition, it also evaluates the extent to which the implementation of the Law on People with Disabilities is the basis for the inclusion of PwD in various aspects, including the labour market during the COVID 19 pandemic era. In the end, it suggests recommendations to increase the inclusiveness of persons with disabilities in various aspects. One relates to aspects of the labor market and further ensures inclusivity in emergencies such as the COVID-19 pandemic.

RESEARCH METHODOLOGY

This research used a mixed-methods approach with an exploratory design, involving sequential quantitative, qualitative research methods. The research began with extensive literature and a normative juridical approach to review Indonesia's prevailing laws and regulations related to PwD.

The quantitative data collection for this study was carried out using an online questionnaire to determine the meanings of disability in society. The qualitative method involved in-depth interviews and Focus Group Discussion (FGD) with the Office of Social Affairs of West Nusa Tenggara, organizations for people with disabilities-PERTUNI (the Indonesian Blind Association), the West Nusa Tenggara branch, the HWDI (Indonesian Association of Women with Disabilities), and the Endri Foundation (a Non-Government Organization for people with disabilities). Participants were select based on the adequacy and appropriateness principle. It is to identify participants who had information or were experts on the interview/FGD topic.

In-depth interviews were conduct via an online platform to follow health protocols during the COVID-19 pandemic, and each lasted approximately an hour. For interviews with participants 5 and 6, a sign language interpreter assisted the researcher with the interviews for helps hearing impaired or deaf individuals understand a spoken language by converting it into sign language.

The three FGDs were conduct in West Nusa Tenggara Province, which has supported the inclusion of PwD by issuing Regional Regulation (PERDA) Number 4 of 2019 concerning The Launch of Integrated Services for PwD. Additionally, the validity of the information gathered was ensured by triangulating participants and involving people with various types of disabilities, associations for PwD, PwD who worked or ran businesses, and local government officials. Qualitative data analysis was carrying out using a thematic coding approach conducted in the following stages.

RESULT

This section presents the findings of the study, starting with the online survey and following with the results of the interviews and FGDs.

Quantitative Results

The quantitative data in this study were obtained from a short survey regarding people's knowledge of disability and inclusiveness in Indonesia.

	Variable	n	%
Age	14-24	141	44.6
	25-35	93	29.4
	36-46	49	15.5
	47-57	25	7.9
	58-69	8	2.5
Education	Junior High School	41	13.0
	Senior High/Vocational School	90	28.5
	Associate's Degree (Diploma 3)	15	4.7
	Associate's Degree (Diploma 4)	7	2.2
	Bachelor	113	35.8
	Magister	47	14.9
	PhD	3	0.9
Domicile	Bali	2	0.6
	Banten	5	1.6
	Bengkulu	3	0.9
	DKI Jakarta	58	18.4
	Jambi	1	0.3
	West Java	56	17.7
	Central Java	5	1.6
	East Java	122	38.6
	West Kalimantan	1	0.3
	Central Kalimantan	10	3.2
	Lampung	10	3.2
	North Maluku	1	0.3
	West Nusa Tenggara	1	0.3
	East Nusa Tenggara	2	0.6
	Riau	11	3.5
	West Sumatra	3	0.9
	North Sumatra	23	7.3
	Yogyakarta	2	0.6
	Profession	Not Yet/Not Working	7
Teacher/Lecturer		12	3.8
Housewife		5	1.6
Private employees		53	16.8
Student		129	40.8
Pension		2	0.6
Civil workers		52	16.5
Health workers		41	13.0
Entrepreneur	15	4.7	
Gender	Women	236	74.6
	Man	80	25.4
	TOTAL	316	100.0

Some questionnaires might not be relevant to the respondents, and therefore, they did not answer the questions. On the other hand, some questions allow the respondents to choose more than one answer, which reflects their condition. The obtained results were drawn from 316 respondents who mostly completed an online questionnaire. As shown in Table 1, most respondents (44.6%) were aged 14–24 years, 5.8% had an undergraduate education, and 38.6% lived in East Java Province. Most of the respondents were students (40.8%), and the majority of respondents were female (74.6%).

Interestingly, as demonstrated in Table 2, 59.1% of respondents said they had never heard of Law Number 8 of 2016 concerning Persons with Disabilities, and 40.9% answered that they had heard of the regulation through various sources of information, most via leaflets/pamphlets/online media (60.8%) and fewer through assignments, conducting research, or reading journals/research relating to disabilities (10.8%). Information regarding definitions of disability that the respondents had encountered came primarily through print/electronic media (55.7%), schools/campuses (25.8%), or YouTube, work, etcetera (3.4%).

Variable		n	%
Regulation (Law No. 8 of 2016)	Ever heard of	129	40.9
	Never heard of	187	59.1
Sources of Regulatory Information (Law No. 8 of 2016)	Through leaflets/pamphlets/online media	79	60.8
	Through official socialization activities	19	14.6
	Through other policy derivatives	18	13.8
	Others (via assignments, conducting research, reading journals/research related to disabilities)	14	10.8
Sources of Disability Definition	Print/Electronic Media	177	55.7
	School/Campus	82	25.8
	Relatives/Family	27	8.5
	Health workers	21	6.6
	Others (via YouTube, work, etc.)	11	3.4
Receiving counseling on disabilities	Yes	112	35.5
	Not	204	64.5
Sources of Extension Information	Through leaflets/pamphlets/online media	59	52.2
	Through official socialization activities	35	31.0
	Through other policy derivatives	10	8.8
	Other (blind community, socialization of public services, a learning curriculum, school, books)	9	8.0
Living environment with Persons with Disabilities	Yes	159	50.3
	Not	157	49.7
Views on Disabilities	People who have limitations (handicap)	230	72.3
	People who have the potential to be empowered	61	19.2
	People with defects (deformed body parts/difabel)	9	2.8
	Other (pitiful, has the privilege with all limitations)	18	5.7

As many as 64.5% of respondents had never received counselling regarding disabilities, but 35.5% had received counselling. Respondents received the most extensive information through online leaflets/pamphlets/media (52.2%), a lower number through official socialization

activities (35.5%), and some through societies for the blind, public service organizations, schools, and books (8%).

Moreover, 50.3% of respondents said they had an environment that included PwD, and 49.7% of respondents said they did not have such an environment. Respondents who gave their views on disabilities were predominantly people who have limitations/handicaps (72.3%), and the fewest answers came from people with defects (deformed body parts)/diffable (2.8%).

As 88% of respondents said they did not have colleagues with disabilities, and only 12% of respondents said they had colleagues with disabilities, with the types of disabilities most frequently mentioned being physical disabilities (amputation, paraplegia, and cerebral palsy (CP); 27 people (71%)). The forms of discrimination that respondents commented on largely concerned workers with disabilities and most of them spoke of the difficulty in accessing workplaces (17 people; 44.7%). This result was in line with the research conducted by Wibowo et al. (2015) in the city of Bandung. Wibowo et al. (2015) conducted observations at five research locations and found that most of the pedestrian infrastructure for PwD was in poor condition or non-existent. Research by Kiling et al. (2021) revealed similar findings, with respondents indicating a need to improve physical access to public services. This suggestion was based on existing accessibility developments in Jakarta at the time and accessibility models implemented in organizations such as the Catholic Church and some community health centres (Kiling et al., 2021). The available facilities in workplace environments that were friendly to PwD were toilets (47.4%), lifts (31.6%), and places of worship (26.3%), while such facilities in schools and pedestrian walkways/pavements were minimal (only 2.6%).

In-depth interview transcripts and FGDs were subject to four coding stages to obtain data saturation and determine the themes that emerged from the qualitative data. These themes were based on the fourth coding stage as follows.

Table 3 shows that PwD often encountered the public's views, who generally saw them as a group with social welfare problems or even shameful 'shortcomings' and hence in need of compassion (which could sometimes be excessive). These community views made PwD feel discriminated against and/or considered incompetent by the law and unable to protect them; such assumptions about their ability to maintain passwords or PINs (e.g., ATM PINs) made it difficult for them to use banking services.

PwD who participated in this study also shared the various challenges they faced regarding education and work. For example, concerning educational aspects, participants mentioned the dichotomy between general-school and special-school education, which made PwD feel 'marginalized,' mainly since special schools were often located far from their places of residence, making access to education difficult. Public schools rarely provided shadow teachers to help them participate in learning, and the facilities and infrastructure for PwD were inadequate. Under COVID-19 conditions, many PwD found it challenging to follow learning programs due to limited learning facilities at home.

Table 3
THEMES EMERGING FROM IN-DEPTH INTERVIEWS AND FGDS

A Theme that Appears	Explanation
General views on disabilities	People with social welfare problems.
	Pity/empathy/excessive worry from both the general public and the family.
	Physical deficiency = disgrace.
PwD's understanding of their condition	Disability mentions that are not liked: persons with disabilities (Law no 4, 1997); special, not normal.
	Not a disability, but just different. Persons with disabilities are part of diversity.
	When we talk about 'normal' and 'abnormal' there is no clear definition.
	Disabilities do not have abilities at all, whereas people with disabilities are capable in different ways.
Challenges in the educational process	Friends with disabilities are able to survive independently.
	SLB (special school) is very far away.
	If people with disabilities have to separate the schools, there will be a dichotomy.
	Limited access to sufficient communication to study from home.
	The state has not prepared a special tutor in each school.
Challenges on the job aspect	The facilities and infrastructure are not yet supported.
	The problem of disability quota in the workplace is felt to be insufficient and many have not fulfilled it.
	Terms of office: physically and mentally healthy; disability = not healthy.
	Difficulty obtaining work information (for example: deaf people are difficult because they rarely understand sign language).
	Insufficient tools in the recruitment process (e.g. no sign language expert at interview).
	State-owned corporation (BUMN) itself is confused about where to place those (people with disabilities).
Discrimination/challenge in general	Colleagues and superiors use oral language a lot, making it difficult for people with hearing disabilities.
	The ability to use a different technology is considered incapacity.
	Persons with disabilities are considered incapable of the law, incapable of taking care of themselves, incapable of maintaining passwords, incapable of maintaining PINs (such as ATM PINs).
	Appreciation for disabilities is only ceremonial. Many events proclaim disability-friendly but they don't work.
	Ceremonial events do not pay attention to the needs of disabilities
Role of Government	People with disabilities feel that they are being displayed at events
	Lack of facilities and infrastructure to accommodate persons with disabilities
	The state has done many things related to creating a conducive life climate, starting from the provision of facilities and infrastructure.
	There is a lack of sustainability in the government's agenda. For example there is no follow-up on entrepreneurial training.
	Disability services are centralized to the government, the government must provide them because they have all the resources (funding, can make regulations, etc.).
Disability and Covid-19	All parties/ministries must play their respective roles to embrace disabilities, do not rely on the Ministry of Social Affairs.
	The government must provide incentives for companies to employ people with disabilities.
	People with severe disabilities are the people most vulnerable to Covid-19 because to interact they have to touch an area that is not necessarily safe.
	Covid-19 has made some people with disabilities lose their jobs and sources of income.
	Non-formal workers are most affected, such as masseuses.
	In the hospital there is a special lane for disabilities so it is safer.

Regarding work, participants stated that PwD faced obstacles in recruitment processes. It was difficult for them to obtain clear job information because it was not provided in sign language. In addition, the physical and mental health requirements for positions often discriminated against them due to PwD being seen as people with illnesses. In addition, during interviews, they experience difficulties because a sign language expert did not accompany interviewers to enable the interview to be carried out. When they did pass the recruitment process, PwD often encountered subsequent obstacles regarding placement. One participant stated that a state-owned enterprise recruited PwD but did not clearly know which work units they should be assigned.

The various discriminatory factors and barriers experienced by PwD contrasted with the views of participants towards PwD. Participants who were PwD saw themselves as part of a diverse society and capable of doing many things. They, therefore, hoped that the government would play a more proactive role in providing incentives for companies to employ PwD and making various ministries responsible for the affairs of PwD (including the Ministry of Education and Culture, the Ministry of Manpower, and the Ministry of Social Affairs).

DISCUSSION

The discussion section will explain various research findings according to different paradigms regarding disabilities and several aspects of applying inclusiveness principles. Inclusiveness is one of the principles stipulated in Article 2 of the Law on PwD. It will also evaluate the implementation of disability policies in more depth to examine their relevance to the Indonesian context and link them with various expert views and previous studies.

Diversity of Paradigms Regarding Disabilities

There are different perceptions of the meaning of disability in society. As explained above, most respondents viewed PwD as people with limitations (72.3%); people with the potential to be empowered (19.2%); people to be pitied, or be given privileges, because of their limitations (5.7%); or simply disabled people (2.8%). Community perceptions of PwD contrasted with the views of PwD themselves, who did not want to be seen as powerless, disabled individuals with limitations. During the interviews, the people with hearing disabilities were not comfortable with the 'privileged' designation and viewed their disability as a form of diversity, as shown in the following in-depth interview:

“This condition is actually part of diversity. It means that there are people who can see, some who cannot see, some who can hear, some who cannot hear. So consider us as part of diversity-not as something strange. It was not my choice to be blind; it was God's plan.”

For many decades, disability in Indonesia has been seen from a medical perspective, segregated into special schools, and their presence regarded as a social pathology. The social model concept of disability defining disability as a product of social oppression gave tremendous effect to deconstruct the term for "disabled persons," which in Indonesian means "penyandang cacat". Inspired by the social model, the Indonesian disability movement tried to change it into DIFABEL, which means differently-abled-people (Thohari, 2019).

The government classifies PwD as people with social welfare problems, but the issue of PwD is not only about social welfare issues. The root of a person's welfare problems is typical that his/her education and employment rights are not fulfill. Therefore, according to the government, PwD needs to be supervised or privileged, despite their needs only relating to accessibility and access to inclusive information.

As many as 5.7% of respondents stated that PwD are people who should be pitied because they are considered to have physical and mental deficiencies. This paradigm causes help for PwD to be based more on compassion for their helplessness than empowerment.

The views of participants with disabilities confirmed the results of the Convention on the Rights of Persons with Disabilities (CRPD). In addition, the CRPD promoted a new view of PwD, seeing them not as objects of charity, recipients of healthcare, and/or recipients of social security benefits, but as subjects with the right to make decisions about their own lives, as exemplified by the excerpt from an in-depth interview with an informant with visual impairment below:

“Indeed, the issue of PwD is not only an issue of social welfare because we think that the prosperity of a person depends on whether they have opportunities and rights, such as the right to education and work.”

According to the CRPD view, PwD is subjects with the right to obtain various facilities to enable them to participate in various aspects of life actively. In fact, the Indonesian government (including employers) has introduced programs to provide facilities to accommodate the needs of PwD in workplaces. For example, the quantitative research results showed that 47.4% of respondents' workplaces had toilets that were friendly to PwD; however, such special toilets, designed in ways that make them accessible, should not be provided out of pity as a right for PwD.

According to the view of the International Classification of Functioning (ICF), Disability and Health, disabilities include impairments, activity limitations, and participation restrictions. In this context, impairments include problems with the functioning or structure of the body; activity limitations refer to difficulties in carrying out tasks or taking actions; and barriers to participation reflect that PwD experience problems are becoming involved in social or certain life situations. Thus, PwD should not be seen as 'problematic people' but as problematic people whose environment fails to provide equal access and is not inclusive of everyone in society (Rioux and Carbert 2003).

This survey shows that although the government has made efforts to change its approach to PwD through Law No. 8/2016, the public has not fully understood the new paradigm for PwD. Article 2 of the Law on PwD provides principles in implementing and fulfilling the rights of persons with disabilities, which include inclusiveness, individual autonomy, and non-discrimination. Furthermore, the Law on PwD also provides an obligation for all stakeholders to fulfill PwD's rights to education and employment. In particular, Article 45 of the Law on PwD requires the Government and Regional Governments to guarantee a fair and non-discriminatory process of recruitment, acceptance, job training, job placement, job continuity, and career development and without discrimination to PwD.

Inclusivity Applications

The Oxford Dictionary defines inclusiveness as a practice or policy designed to provide equal opportunities and access to resources for people who may otherwise be excluded or marginalized such as people with physical or mental disabilities or other minority groups. However, the implementation of inclusiveness is not easy, especially not since the COVID-19 pandemic has affected social and economic conditions in detrimental ways to PwD. Hence, the government needs to deal seriously with such people to enable them to continue to have the right to live healthy lives. That includes the WHO's healthy condition as free from illness and disease and enables people to fulfil the social and economic aspects of life.

The public health approach is inclusive and collaborative, aiming to reach and serve all people in community life; however, PwD are often overlooked in health program planning. PwD should be included as targets of health programs and in efforts to serve whole communities. Community principles and approaches need to be strengthened by promoting inclusiveness programs and efforts for PwD (Lollar et al., 2021). The application of inclusiveness will be discussed further in the sections regarding public facilities and services, education, and employment as a basis for evaluating the implementation of policies for PwD.

Public Facilities and Services

The Indonesian government has aimed to include PwD in all aspects of society; however, many programs have not worked optimally. As evidenced by the results of the in-depth interviews, a great deal of discrimination is still experienced by PwD in Indonesia; for example, inclusiveness has not been implemented in banking services. PwD are not considered independent and are expected to have companions because they are considered incapable by the law, unable to take care of themselves, and thus unable to safeguard ATM codes and similar. Discrimination like this should not have occurred, as mentioned in an in-depth interview with one of the informants with visual disabilities:

“Don't look at us as disabled but consider whether we have enough ability to manage the ATM, manage our finances, and manage our time and life. That's the most important thing—our level of intelligence. Do not only look at us as blind.”

Another example that PwD often complained about was the lack of facilities and infrastructure to accommodate PwD in various public places such as schools, campuses, shopping centers, government offices, and courts.

Infections in PwD are more likely to occur in situations of the COVID-19 pandemic. Other factors can be attributed to inaccessible physical environment and infrastructure and poor accessibility to health care facilities. The social and economic inequalities that existed before the pandemic are worsening. There is a higher probability of death among PwD (Margaretha & Ayuningtyas, 2021).

The Presidential Regulation No.18 of 2020 concerning the National Medium-Term Development Plan for 2020–2024 has as one of its goals that, by 2024, as many as 20% of local government departments will have implemented the principles of inclusive districts/cities. However, based on information from informants, facilities in large cities are still inadequate to

provide reasonable accommodation for PwD; for example, the visually impaired need road signs with sound instructions. If the provision of public facilities for PwD is suboptimal in large cities, it will inevitably be difficult to achieve the goals that have been set. Therefore, more efforts are needed from all sectors to achieve the targets of the 2020–2024 Medium-Term National Development Plan.

The COVID-19 pandemic has created new challenges for PwD as a vulnerable group. Some barriers faced by PwD include limitations in maintaining basic hygiene measures such as hand washing. For example, inaccessible handwashing locations, sinks, water pumps, or perhaps difficulty rubbing their hands together properly are some of the difficulties for PwD. It also includes difficulties in enforcing distancing because they need help or are dependent on a companion who can make physical contact, touch objects to obtain information from the environment or for physical support, and difficulties in accessing public health information.

The impact of limitations in implementing COVID-19 prevention protocols differs for PwD depending on the type of disability. Limited access to health services, social services, safe housing, and public facilities is an obstacle for PwD in implementing COVID-19 prevention protocols, which puts them at high risk of being exposed to COVID-19.

Education

Education is the right of everyone, including children with disabilities. Therefore, under Article 10 Law on PwD, PwD are entitled to education services. This right includes the right to have equal opportunities and obtain quality education services in all types, pathways, and levels of education. To fulfill this mandate, the government issued a policy on inclusive education for PwD, regulated by the Product of The National Minister of Education Regulation of Republic Indonesia No. 70 of 2009. Inclusive education aims to provide the widest possible opportunities for all children with disabilities to obtain quality education according to their needs and abilities and provide education that respects diversity and is not discriminatory.

Furthermore, the Law on PwD provides two different types of education for PwD, namely inclusive education and special education. The concept of inclusive education is education for students with disabilities to study with non-disabled students in regular schools or colleges. Therefore, basic, secondary, and higher education institutions must provide facilities and infrastructure to facilitate PwD who attend inclusive education institutions.

What is meant by "*special education*" is education that only provides services to students with disabilities by using a special curriculum, special learning process, guidance, and/or care with special educators, and the implementation is in a special learning place. Special education places are provided for PwD with an environment and curriculum that is only for PwD and not for the public.

Based on Article 40 of the Law on PwD, the government obliges to provide facilities to fulfil PwD education quality. Not only are they required to provide scholarships for PwDs who cannot afford to pay for their education. The Law on PwD also requires the central government and local governments to provide education costs for children from PwD even though the child is not a PwD.

Based on the information obtained during the interviews, PwD were students, bachelor's degree holders, teachers in special schools in West Nusa Tenggara, and some even had master's degrees from Texas.

The application of inclusiveness in education is further explain in the following sections to illustrate the challenges of the education process, the needs of PwD in education, and the situation during the COVID-19 pandemic.

Educational process challenges: Based on the results of the in-depth interviews, facilities, and access for PwD in schools and tertiary institutions are still not given enough attention. Although people with hearing disabilities can communicate orally, it is frequently slow and difficult because they rely heavily on visual information. The first obstacle in teaching and learning activities is that teaching staff/lecturers deliver information orally rather than sign language. Furthermore, the limitations of the material obtained through written language, such as in the teaching and learning process, are getting additional hours, but because the teaching and learning material is usually written, it is often unclear or unfriendly (to some types of) PwD and may require additional time. Additionally, the state has not prepared special teachers for students with disabilities or provided special supervisors for all schools. This limitation shows that the world of education is not yet fully inclusive.

Disability needs in education: The existence of different needs across disabilities also means that the needs must be accommodate differently. Even for a single type of disability, needs may differ based on severity; for example, deaf people rely heavily on sight, and blind people depend on hearing. Inclusion means recognizing and respecting diversity. The advantage of inclusive education is that children with special needs and ordinary children can interact fairly in everyday activities, and their educational needs can be fulfil according to their respective potential.

One means of facilitating the continuity of teaching and learning activities in education is the presentation of visual information for deaf people. The results of interviews with people with deafness disabilities indicated that, although they received assistance in their social environments, such as friends helping with assignments and communicating in writing, they still needed a translator in class because communicating in sign language was faster and easier for capturing learning material. Meanwhile, people with visual disabilities needed audio systems and braille letters on keyboards, cell phones, and similar devices. Overall, for inclusive education, teaching resources need to be prepared that meet the needs of PwD.

It is necessary for every education provider to make adjustments in terms of facilities and infrastructure in education institutes for PwD. Since inclusive education rests on the principle of being open and non-discriminatory, it must be sensitive to differences, relevant and accommodating regarding learning methods, and centered on the needs and uniqueness of students. According to Yulianto (2014), three things need to be considered to ensure inclusive education. Firstly, the affordability of education must be considered, and education should be affordable at every level of society. Therefore, education must become a public good that every level of society can enjoy without exception. Second, acceptance must be ensured, meaning that educational institutes must be encouraged to want and be able to accept students with different backgrounds. Third, accommodation and accessibility must be address.

The COVID-19 pandemic situation: The COVID-19 pandemic has meant that educational inclusiveness for PwD has become extremely challenging. Distance learning has different

impacts for each child. For children with disabilities who are already experiencing severe challenges, this is particularly detrimental. According to the 2018 National Socio-Economic Survey data, nearly 140,000 children aged 7-18 years with disabilities were not attending school. Additionally, not all children with disabilities were able to take advantage of distance learning solutions since many did not have the necessary support, internet access, technology facilities, and learning materials. Additionally, the impact of COVID-19 on students with disabilities has resulted in disruption of skills and training programs and has tended to have a broad impact on young PwD who already face severe obstacles in entering the world of work.

Employment

Various factors together influence employment systems for PwD. For example, labor systems, healthcare systems, education systems, and social service systems may all have implications for employment outcomes for PwD, and interaction between systems can create disincentives (a problem in inclusivity for PwD to their working system or to find a job) if policies are not aligned (Lollar et al., 2021).

In Indonesia, many PwD, including the blind, work informally as day laborers and are unable to create job opportunities for themselves. Based on the in-depth interviews, it was clear that the majority of PwD worked as self-employed tailors, screen printers, salon assistants, hotel cleaners, and similar. Meanwhile, blind people generally worked as masseurs, telesales, grocery store workers, musicians, or bought and sold goods. Of the 700 people with visual impairments who worked in Jakarta, 10% worked in the formal sector and 90% in the informal sector. In West Nusa Tenggara Province, disabled people have become teachers in MAN (Madrasah Aliyah Negeri) and Islamic religious-based high schools, joined consultancy and legal aid bureaus, and even become civil servants. The application of inclusiveness to various aspects of work is further explained in the following sections to illustrate the challenges of application processes, work processes, accommodation for disabilities in the workplace, and situations during the COVID-19 pandemic.

According to Article 45 of the Law on PwD, it is explained that the Government and Regional Governments are obliged to ensure a fair and non-discriminatory process of recruitment, acceptance, job training, job placement, work continuity, and career development and without discrimination to PwD. This non-discriminatory principle also includes the provision of wages for PwD for the same type of work and responsibilities.

In order to ensure employment opportunities for PwD, Article 53 of the Law on PwD further obliges the Government, Regional Government, State-Owned Enterprises, and Regional-Owned Enterprises to employ at least 2% (two percent) of PwD of the total number of employees or workers. Meanwhile, private companies are required to employ at least 1% (one percent) of PwD from the total number of employees or workers.

Recruitment

Government departments have a 2% job opportunity quota for PwD, while the private sector has a 1% quota, but this figure is still far from being realized. Based on the in-depth interviews, it was evident that PwD experienced discrimination in recruitment processes. Such

discrimination occurs because most companies and institutions only employ PwD when the disability does not cause difficulties for the company.

Another problem mentioned was that in the civil service recruitment process, there were many incorrect allocations of job opportunities; for example, blind people were invited to apply for automotive instructor jobs, which was clearly not appropriate. In addition, the lack of facilities for PwD during the selection process created its own difficulties; for example, the lack of a translator often hindered the interview process, making it difficult for people with hearing and speech disabilities to receive fair consideration.

Placement and performance management: Based on the results of in-depth interviews, placement errors often occurred for PwD. As a result, if their performance was considered unsatisfactory, disabled employees were seen as incompetent. An example of misplacement of a blind person caused the employee to do nothing while in the office but take his work home to be helped by the family to transfer the work to Braille, wasting precious time.

People with hearing disabilities also experienced problems. For example, the lack of ability to use sign language limited communication, and oral instructions from superiors were difficult for people with hearing disabilities to understand, leading to conflict arising from miscommunication. These two findings were in line with the research by Friani et al. (2019), which found that in Indonesia, the absorption of workers with disabilities into companies is still low, and one of the main factors contributing to this is companies' job design. Most companies have no specifically designed work systems for workers with disabilities, which causes their absorption into the workplace to remain low.

Problems in the workplace also occurred in the informal sector since customers often underestimated PwD. One person with a physical disability in West Nusa Tenggara said that customers frequently chose not to be served by them. Even business owners were often given poor treatment or subject to harsh words. Business owners with disabilities sometimes chose not to continue their businesses because they were underestimated by customers. These findings regarding discriminatory behavior were in line with research conducted in Australia, which found that having a disability significantly increased the likelihood of experiencing discrimination or avoidance (Temple et al., 2018).

Accommodation for Disabilities in the Workplace

Many companies have not been motivated to provide adequate accommodation or work facilities for PwD. According to Lollar et al. (2021), an inclusive workplace challenges stereotypes about disabilities and encourages innovation, productivity, and a positive work environment. Coordination between companies and the government is required so that the needs of PwD in the workplace are met. It is enabling them to achieve good performance according to the wishes of their employers. Companies need to pay more attention to work placement processes so that all employees, including those with disabilities, are assigned to jobs according to their competence. Work orientation is also an important process that should integrate accommodation for employees with disabilities.

The availability and accessibility of facilities and infrastructure should also be a concern for companies that employ PwD; for example, visually impaired people need laptops with sound to work effectively in an office, and PwD who cannot work a straight five-hour shift should be

given time adjustments and allow taking regular breaks. Meanwhile, disability-friendly facilities should be a concern in all workplaces; for example, for wheelchair users, lifts and inclined planes certainly accommodate employees with disabilities.

The COVID-19 pandemic situation: The COVID-19 pandemic has had an impact on jobs and social protection. The social phenomenon of job exclusion that PwD faced in the first place made them more likely to lose their jobs and have greater difficulty returning to work during the recovery period. In most countries, social protection systems offer little support for PwD and their families, who in general have significantly less access to social insurance. Only 28% of people with significant disabilities have access to disability benefits globally, and only 1% in low-income countries. The increasing demand for unpaid care and domestic work in the context of the pandemic deepened existing inequalities that could be exacerbated for women with disabilities.

Likewise, in Indonesia during the COVID-19 pandemic, the difficulties experienced by PwD increased, and the risk of marginalization became major. The social distancing policy had a significant impact, especially on workers in the informal sector. For people with visual disabilities who worked as masseurs, the pandemic deprived them of their livelihoods. As stated by one informant in an in-depth interview:

“In this pandemic condition, with the social distancing rule and physical distancing health protocols, massage practice has become impossible to do, so this group [of workers] is severely affected. They are very affected because they have no other choice; their only skill is massaging, right?”

PwD are one of the groups that are vulnerable to being infected with COVID-19. Coronavirus prevention policies for PwD are simply impossible for some PwD. In addition, many PwD cannot implement social distancing strategies because they need companions and depend on interaction with others (Ministry of Social Affairs, 2020).

The COVID-19 Vaccination Program has reached the Indonesian people included in the group of people with physical and mental disabilities. The government, through the Ministry of Health, has set a target of 562,242 people. The vaccination program for people with disabilities is a form of vaccine justice for all people until Indonesia recovers (National Economic Recovery, 2021).

Evaluation of the Implementation of the Law on Persons with Disability

The government has made various efforts to create conducive life conditions for PwD. It continues to improve regulations regarding PwD, including drafting and implementing regulations such as Law Number 8 of 2016 concerning PwD, the Presidential Regulation Number 2 of 2015 concerning the National Medium-Term Development Plan for 2015–2019, the Presidential Regulation Number 59 of 2017 concerning the Implementation of the Sustainable Development Goals, and the Presidential Regulation Number 33 of 2018 Amendment to the 2015 Presidential Regulation Number 75 concerning the 2015–2019 National Action Plan for Human Rights. In addition, several regions have also issued regional regulations to fulfil the basic rights of PwD in all aspects of life.

Although a bit late, at the end of 2020, the President issued Presidential Regulation No. 68 of 2020 concerning the National Commission for Disabilities (KND). The establishment of

this Commission is a mandate from Article 131 of the Law on PwD, which requires the government to establish a National Commission for Disabilities whose function is to monitor, evaluate, and advocate for the respect, protection, and fulfilment of the rights of PwD. However, as of the writing of this paper, there has been no stipulation of the KND commissioner set by the President.

The existence of a Presidential Secretariat enables representatives of PwD to convey their aspirations and contribute their input. In addition, each region has a representative responsible for ensuring that every proposal is submit to the central government. There are several areas where PwD are particularly considered, one of which is West Nusa Tenggara Province, where a Sub-National Level Development Planning Agency program is involving disability organizations in contributing to the making of laws and local regulations. However, result shows that 59% of respondent still did not notice of the Law on PwD.

The Mataram administration is moving towards building more disability-friendly facilities, including an integrated service center under the social services umbrella to assist PwD in conflict with the law. It is also organizing Damri buses (a transportation company in Indonesia specializing in the bus) for children with disabilities who are still in school.

Through policies issued by the central and local governments, the state seeks to create inclusiveness for PwD in all respects. However, various provisions stipulated in the policies have not been fully implemented. Based on the in-depth interviews, it found that people had not truly felt the government's impetus in implementing policies. The leading sector in the implementation of these laws and regulations is still the Ministry of Social Affairs; however, fulfilling the various basic rights of PwD is not only the responsibility of the Ministry of Social Affairs but must involve many cross-sectoral agents and various other Ministries:

"If we talk about education, it should be the Ministry of Education, not the Ministry of Social Affairs. If we talk about labour, or employment, then it should be the concern of the Ministry of Manpower, not the Ministry of Social Affairs."

The central government budget allocation for disability-related activities in 2017 was IDR 309 billion. The Ministry of Social Affairs mainly distributes the budget; the Coordinating Ministry for Human Development and Culture; and the Coordinating Ministry for Political, Legal, and Security Affairs. However, the distribution of the budget allocation is not evenly distributed between Ministries because around 90% of the budgets are in the Ministry of Social Affairs (The SMERU Research Institute. 2020).

All parties/ministries must play their respective roles to embrace disabilities, do not rely on the Ministry of Social Affairs. The state has done many things related to creating a conducive life climate, starting from the provision of facilities and infrastructure. Disability services are centralized to the government. The government must provide them because they have all the resources (funding and regulations). In addition, the government must provide incentives for companies to employ persons with disabilities.

Countries that have implemented disability-friendly development include New Zealand and Australia. Studies conducted by Moriarity and Dew in 2011 examined the participation of PwD in the development of the United Nations Convention on the Rights of Persons with Disabilities from the perspective of key informants in New Zealand's disability sector. It was

found that the participants viewed the participatory process positively (Moriarity & Dew, 2011), and both the political activity of PwD and the political will on the part of the government contributed to this perceived success (Moriarity & Dew, 2011). More broadly, the participation of PwD provided mutually enriching learning experiences, reduced political intrigue between countries, increased government accountability and produced texts that are more relevant. This study provided an example of a successful participatory process involving PwD in an international context (Moriarity & Dew, 2011).

On the other hand, various training programs held by the Indonesian government to increase the independence of PwD, including sewing, salon, and computer literacy training programs. However, the training is not routine, and not all regions hold it. In addition, there is a missing link regarding the follow-up to guide entrepreneurship after training. According to the results of in-depth interviews, many PwD were unable to continue their business endeavors due to funding constraints.

During the current COVID-19 pandemic, the UNCRPD as international law and the SDGs as a global agenda need to be considering by governments and stakeholders and adapted to involve PwD in protecting their rights. Such as facilitating access to essential facilities and ensuring empowerment during the COVID-19 pandemic. So that PwD as a group that the SDGs inclusively target remain empowered, inequality, and discrimination can be eliminated.

CONCLUSION

This research resulted in an expansion of the definition of disability, a description of the various types of inclusiveness for PwD, and an examination of the implementation of regional policies and the role of various non-governmental organizations (NGOs) in increasing inclusiveness for PwD in education and employment and providing equal treatment for them, especially during the COVID-19 pandemic. As a result, the following conclusions are:

Disability should be defined more broadly than as a disability or deficiency since it is not a 'privilege' but an aspect of diversity underpinning the potential to be productive. Expanding the meaning of disability is essential for formulating appropriate intervention strategies and realizing the potential for PwD to remain productive.

The inclusiveness policy for PwD, its application in public service practices, and in aspects of education and work in general, has not been optimal. It caused the absence of policies in all regions deriving from Law No 8 of 2016 concerning PwD and a lack of implementation of inclusiveness in public services for PwD. However, several regions have policies relating to disability, influenced by the commitment of the regional head and the support of non-governmental organizations (NGOs) that are active in fighting for disability rights. Nevertheless, PwD still tends to fall under the responsibility of the Ministry of Social Affairs, so there is a need for cooperation between government sectors to ensure inclusiveness in Indonesia.

There has been no special policy for PwD during the current COVID-19 pandemic. The government provides assistance in the form of food, but there are no efforts to assist PwD through employment and education assistance programs. With the higher risk of infection and the different limitations they experience, it becomes difficult for them to survive and meet their families' economic needs-a situation that requires urgent attention.

RECOMMENDATIONS

1. There is a need for cooperation between government sectors to achieve inclusivity in Indonesia.
2. Inclusivity should be applying to a variety of different disabilities in terms of public facilities, education, and work (income opportunities). For example, people with physical disabilities who use wheelchairs need access ramps on pavements and alternatives to stairs in public facilities, people with visual disabilities need yellow lines to facilitate mobility, and people with hearing impairments would be significantly helped to obtain information and in the educational process by the availability of sign language interpreters.

REFERENCE

- Asghar, S., George, E.T., & Robert, H. (2020). Cultural influences on perception of disability and disabled people: A comparison of opinions from students in the United Kingdom (UK) Pakistan (PAK) about a generic wheelchair using a semantic differential scale. *Disability and Rehabilitation: Assistive Technology*, 15(3), 292–304.
- Bamu, B.N., & Van-Hove, G. (2017). Community perceptions of people with disabilities in the North West region of Cameroon: What is the impact on their access to services? *Disability and Society*, 32(1), 56–68.
- Dougherty, S.M., Todd, G., & Thomas, H. (2018). The impact of career and technical education on students with disabilities. *Journal of Disability Policy Studies*, 29(2), 108–118.
- Frian, A., Fransiska, M., Hansi, J., Dellia, A., & Willy, Y.E. (2019). Employment situation of person with disabilities: Case study in Indonesia. *Integrated Journal of Business and Economics*, 3(1), 93-110.
- Jumreornvong, O., Laura, T., Mar, C., Jenna, T., Christopher, P.K., Joseph, E.H., & David, P. (2020). Ensuring equity for people living with disabilities in the age of covid-19. *Disability and Society*, 35(10), 1682–87.
- Kiling, I.Y., Clemence, D., Dominggus, E.L., & Deborah, T. (2021). A community model for supporting children with disabilities in Indonesia. *Disability & Society*, 1(1), 1–12.
- Kruse, D., Lisa, S., Sean, R., & Mason, A. (2018). Why do workers with disabilities earn less? Occupational job requirements and disability discrimination. *British Journal of Industrial Relations*, 56(4), 798–834.
- Lane, L. (2014). *Am I being heard? The voice of students with disability in higher education: A Literature review conference*. Inclusive Higher Education. National and International Perspectives.
- Lollar, D.J., Horner-Johnson, W., & Froehlich-Grobe, K. (2021). *Public health perspectives on disability: Science, social justice, ethics and beyond*. Springer US: New York.
- Margaretha, C., & Ayuningtyas, D. (2021). Analysis implementation of Covid-19 Prevention policy for disability in social institution: Case study. Jakarta Capital City.
- Mbazzi, F.B., Ruth, N., Elizabeth, K., Claire, N., Rachel, K., Geert, H., & Janet, S. (2020). The impact of covid-19 measures on children with disabilities and their families in Uganda. *Disability and Society*, 1(1), 1–24.
- McKinley, Y., Claire, L., & Cantrell, M.A. (2019). Childhood disability and educational outcomes: A systematic review. *Journal of Paediatric Nursing*, 45(1), 37–50.
- Ministry of Social Affairs. (2020). *Guidelines for preventing covid-19 for disabilities*. Retrieved from <https://kemensos.go.id/uploads/topics/15852709524796.pdf>
- Moriarty, L., & Dew, K. (2011). The United Nations convention on the rights of persons with disabilities and participation in Aotearoa New Zealand. *Disability and Society*, 26(6), 683–697.
- Moriña, A., & Orozco, I. (2021). Spanish faculty members speak out: Barriers and aids for students with disabilities at university. *Disability and Society*, 36(2), 159–178.
- National Economic Recovery. (2021). Vaccines for persons with disabilities are people's justice. *Committee for handling corona virus disease 2019 (COVID-19) and national economic recovery (KPCPEN)*. Retrieved from <https://COVID19.go.id/p/berita/vaksin-untuk-penyandang-disabilitas-adalah-wujud-keadilan-rakyat>
- Park, J.Y. (2017). Disability discrimination in South Korea: Routine and everyday aggressions toward disabled people. *Disability and Society*, 32(6), 918–22.
- Poerwanti, S.D. (2017). Management of disabled workers to achieve workplace inclusion. *Journal of Disability Studies*, 4(1), 1-9.
- Qi, F., & Hu, L. (2020). Including people with disability in the covid-19 outbreak emergency preparedness and response in China. *Disability and Society*, 35(5), 848–53.

- Rioux, M. & Carbert, A. (2003). *Human rights and disability: The international context*. Cornell University ILR School: Toronto.
- Safta-Zecheria, L. (2020). Challenges posed by covid-19 to the health of people with disabilities living in residential care facilities in Romania. *Disability and Society*, 35(5), 837–43.
- Temple, J.B., Kelaher, M., & Williams, R. (2018). Discrimination and avoidance due to disability in Australia: Evidence from a National Cross-Sectional Survey. *BMC Public Health*, 18(1), 13-47.
- The SMERU Research Institute. (2020). *SMERU working paper: Obstacles in realizing inclusive development for persons with disabilities*.
- Thohari, S. (2019). *Promoting difabel*.
- Vornholt, K., Patrizia, V., Beate, M., Jana, B., Adrienne, C., Fred, Z., Gemma, V.R., Sjr, U., & Marc, C. (2018). Disability and employment—overview and highlights. *European Journal of Work and Organizational Psychology*, 27(1), 40–55.
- Wibowo, S.S., Natalia, T., & Nuryani, T. (2015). Walkability measures for city area in Indonesia (case study of Bandung). *Journal of the Eastern Asia Society for Transportation Studies*, 11(6), 1507–1521.