



# Legal Protection for Workers with Disabilities in Indonesia: Regulatory Analysis, Implementation Challenges, and Efforts to Improve Implementation

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| Info Articles                                                                                                                                                                    | Abstract                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| <b>Article History</b><br>Received: 2024-05-02<br>Revised: 2024-05-14<br>Published: 2024-05-30<br><br><b>Keywords:</b><br><i>Disability;<br/>Implementation;<br/>Employment;</i> | This study aims to analyze regulations regarding the protection of workers with disabilities in Indonesian legislation, as well as to identify challenges in implementing legal protection and efforts to improve its implementation. This study uses a normative juridical method. The research stages include problem formulation, collection of primary, secondary, and tertiary legal materials, and normative analysis through systematic and conceptual interpretation. The object of study is norms in Law No. 8/2016 and Law No. 13/2003, as well as relevant scientific literature. The results of the study indicate that legal protection for workers with disabilities in Indonesia has been regulated through a legal framework, which guarantees the right to non-discrimination, reasonable accommodation, equal wages, OSH, and social security for workers. However, its implementation still faces various challenges, such as weak law enforcement, minimal reasonable accommodation, discrimination and stigma, regulatory disharmony, and limited inclusive job training. This study also found that efforts to strengthen regulations, implement sanctions and inclusive audits, provide reasonable accommodation, improve job training, and change work culture are strategic steps to improve this legal protection. The results also confirm that there is a gap between legal norms and employment practices, so that more concrete and sustainable policy interventions are needed. |

## I. INTRODUCTION

Legal protection for workers with disabilities is a crucial element in achieving fair, non-discriminatory, and inclusive employment in Indonesia. The right to decent work is a human right guaranteed by the constitution and various national laws. The 1945 Constitution affirms that every citizen has the right to fair and decent work and treatment in a work environment without discrimination, including for people with disabilities. In this regard, Law No. 8 of 2016 concerning Persons with Disabilities and Law No. 13 of 2003 concerning Manpower serve as the primary legal basis governing protection for workers with disabilities in Indonesia. Despite the existence of this legal basis, implementation challenges remain a serious problem in the employment sector.

Law No. 8 of 2016 affirms the principles of non-discrimination, equal opportunity, and fair treatment for persons with disabilities in various aspects of life, including employment. Its articles require employers and the government to create an inclusive work environment and provide reasonable accommodations so that persons with

disabilities can work without challenges (Subawa & Apriliyani, 2025). This regulation also establishes minimum quotas for persons with disabilities in government agencies, state-owned enterprises (BUMN/BUMD), and the private sector. Within the same framework, Manpower Law No. 13 of 2003 provides an additional basis in the form of the principle of non-discrimination in employment opportunities, wages, and occupational safety and health protection.

Despite the availability of regulations, the fulfillment of the rights of workers with disabilities is not fully guaranteed in practice. A study of labor law conducted by Rizkiah et al. (2025) shows that the challenge lies not only in weak law enforcement but also in the persistence of discrimination against people with disabilities in society. Therefore, an analysis of legal protection for workers with disabilities is important, not only from a legal perspective, but also in assessing the extent to which policies truly align with the principles of equality, non-discrimination, and the goals of inclusive labor development.

This research aims to provide a deeper understanding of employment law regulations for people with disabilities in Indonesia. It focuses on three key issues: legal regulations, implementation challenges, and implementation improvement efforts. This study is expected to contribute to the development of legal science and offer constructive perspectives for improving employment policies that are more responsive and inclusive of people with disabilities in Indonesia.

## **II. RESEARCH METHODS**

This research uses a method called normative juridical, which focuses on the analysis of laws and regulations and doctrines related to the legal protection of workers with disabilities. The research stages include identifying and formulating the problem, collecting primary, secondary, and tertiary legal materials, normative analysis through systematic and conceptual interpretation, and drawing deductive conclusions. In normative research, the legal materials studied are relevant legal norms, such as Law No. 8/2016, Law No. 13/2003, and related academic literature. This research does not require a physical location because it is library-based, but data sources are obtained from journals and regulatory repositories, so that the entire analysis process remains structured and academically accountable.

## **III. RESULTS AND DISCUSSION**

### **A. Rights of Workers with Disabilities**

Legal arrangements regarding the protection of the rights of workers with disabilities in Indonesia have been established through a comprehensive legal framework, starting with the principles of non-discrimination and equal employment opportunities as stipulated in Law No. 8/2016 and Law No. 13/2003. The following are some of the rights of workers with disabilities:

1. The right to non-discrimination and equality in employment is crucial for fulfilling the labor rights of people with disabilities in Indonesia. This right is enshrined in Articles

5 and 11 of Law No. 8/2016, which guarantees that every person with a disability has equal opportunities to work, pursue a career, and receive promotions without discriminatory treatment. This provision is further reinforced by Article 67 of Law No. 13/2003, which requires employers to provide facilities and a work environment appropriate to the conditions of people with disabilities so they can work properly. This regulation demonstrates that the state not only recognizes the right to work but also ensures protection mechanisms against unfair practices, exclusion, and structural problems in the world of work.

2. The right to reasonable accommodation for persons with disabilities is a form of legal protection under Indonesian employment law. This provision is clearly stated in Article 50 paragraphs (1) to (3) of Law No. 8/2016, which stipulates the obligation of employers to provide reasonable access for persons with disabilities. The concept of reasonable accommodation extends beyond providing employment opportunities, but also encompasses adjustments to facilities, work systems, assistive devices, technology, and procedures that enable persons with disabilities to perform their work optimally without hindrance (Ayumi et al., 2025). This provision constitutes affirmative action, a mandatory step for employers to eliminate disparities and inequalities in the workplace.
3. The right to equal pay for persons with disabilities is an essential part of the principle of fairness in employment relations. Provisions related to this are contained in Article 11 of Law No. 8/2016, which affirms that workers with disabilities have the right to receive the same wages as non-disabled workers if they have equal responsibilities, positions, and performance. This regulation aims to eliminate the stigma that people with disabilities are less productive or unable to work on an equal footing with other workers. This principle of equal pay also encourages

employers to establish inclusive work practices that respect the dignity, abilities, and contributions of people with disabilities as part of a fair and non-discriminatory national employment system.

4. The right to occupational safety and health (K3) protection for workers with disabilities is a crucial part of creating a safe, decent, and inclusive work environment. This provision is expressly stipulated in Article 86 of Law No. 13/2003, which states that every worker has the right to occupational safety and health. This aims to prevent the risk of accidents and health problems.
5. The right to social security for workers is also part of state protection to ensure the continued welfare of workers with disabilities. This is stated in Article 17 of Law No. 8/2016, which states that people with disabilities have the right to receive social security in the form of employment programs, including access to BPJS Ketenagakerjaan. Furthermore, Article 52 of Law No. 8/2016 stipulates that the government is obliged to ensure that people with disabilities have equal access to all benefits and social security programs for workers with disabilities. Fulfilling this right aims to eliminate disparate treatment for workers with disabilities while ensuring that they receive equal protection in the employment system.

## **B. Challenges in Legal Protection for Workers with Disabilities**

While the labor rights of people with disabilities are legally protected, there are also challenges to their protection. The following are challenges to the legal protection of workers with disabilities:

1. Poor law enforcement and weak compliance monitoring are major obstacles to fulfilling the labor rights of people with disabilities. Although this is regulated in Law No. 8/2016 has not implemented this provision optimally. The absence of strict sanctions for

employers who fail to fulfill these obligations means that this regulation tends to be declarative rather than coercive. Furthermore, labor inspection and oversight mechanisms remain limited, both in terms of the number of inspectors and their capacity. This situation leaves many companies feeling neither compelled nor bound to implement inclusive provisions. As a result, legal obligations aimed at ensuring equal rights for persons with disabilities are not effectively implemented.

2. The lack of adequate accommodation is a serious challenge in fulfilling the labor rights of people with disabilities. Law No. 8/2016 actually guarantees the rights of workers with disabilities to obtain adjustments in the work process, such as physical facilities, assistive devices, and accessible work environments. However, sometimes companies have not fully implemented these provisions. Many workplaces still do not provide adaptive work tools, disability-friendly layouts, or physical accessibility such as wheelchair ramps, disability-friendly elevators, and flexible work systems (Budiman & Syailendra, 2025). However, reasonable accommodation is a legal obligation, not a voluntary policy. The absence of these facilities creates structural challenges that limit the productivity and participation of people with disabilities in the workforce.
3. Discrimination and social stigma continue to hinder people with disabilities from obtaining equal employment opportunities. Many employers still perceive people with disabilities as less competent, unproductive, or costly, often marginalizing them in recruitment, placement, and promotion. This attitude clearly contradicts Article 11. Law No. 8/2016, which guarantees equal opportunity and prohibits all forms of

discrimination in the employment process. Furthermore, Articles 5 and 6 of Law No. 13/2003 affirm the principle of non-discrimination for all workers without exception. Despite clear legal provisions, the social stigma that considers disability as an inability remains deeply rooted, making companies reluctant to open up opportunities for disabled workers. As a result, many people with disabilities remain in positions that do not match their competencies or even lack employment opportunities altogether.

4. The lack of regulatory harmonization is one factor that slows down the effectiveness of legal protection for workers with disabilities. While Law No. 8/2016, Law No. 13/2003, and derivative regulations such as the provisions in the Job Creation Law all regulate employment aspects, the substantial synchronization between these regulations remains uncertain. Differences in terminology, scope of obligations, and standards for the application of reasonable accommodations create regulatory gaps that lead to inconsistent implementation of protections. This situation results in provisions that should serve as a strong foundation for fulfilling the rights of workers with disabilities becoming suboptimal (Nama, 2024). Without clear regulatory harmonization, efforts to create an inclusive work environment will continue to face structural challenges.
5. Limited training programs and job support are important challenges in improving the quality and competitiveness of the disabled workforce. Law No. 8/2016 actually guarantees the right of persons with disabilities to receive job training to improve their competence and independence. Its implementation

remains uneven across regions. Some job training programs still lack adaptive curricula, trained instructors, or accessible facilities for participants with disabilities (Hafid et al., 2025). Furthermore, available training often does not align with the needs of the modern job market, which demands digital, technological, and other specific skills. This situation prevents workers with disabilities from receiving capacity building relevant to industry developments. The lack of job mentoring programs, inclusive internships, and job placement support further exacerbates the situation. As a result, employment opportunities for persons with disabilities remain limited and disproportionate to their potential.

### **C. Efforts to Face Challenges**

Legal protection of labor rights faces challenges, and efforts are needed to address these challenges. Here are some ways to address them:

1. The government needs to establish derivative regulations in the form of Government Regulations or Ministerial Regulations that outline standards for decent accommodation, procedures for meeting quotas, and compliance assessment indicators. Furthermore, strict administrative sanctions are needed, ranging from warnings, fines, restrictions on business permits, to the publication of a list of non-compliant companies as a coercive instrument for employers. By strengthening these regulations and sanctions, the implementation of legal protection will be more measurable and accountable, and will encourage businesses to truly implement inclusive employment practices.
2. Optimizing labor inspections and implementing inclusive audit mechanisms are key steps to ensuring the fulfillment of the labor rights of people with disabilities. Article 176 of Law No. 13/2003 authorizes

labor inspectors to inspect, assess, and ensure that companies comply with labor protection provisions (Riyadi, 2025). This is reinforced through the implementation of inclusive labor audits, which require companies to meet standards. These audits must also be integrated into the labor reporting system and serve as the basis for awarding incentives or sanctions. This ensures that inspections are not merely administrative in nature but also serve as an evaluative instrument that encourages companies to improve fair, equal, and inclusive labor practices for people with disabilities.

3. Providing reasonable accommodations and adapting the workplace is crucial to ensuring that workers with disabilities can work safely and productively. Implementation of this principle should be a mandatory standard, not just a policy, to ensure that all persons with disabilities have equal opportunities in carrying out their duties. Reasonable accommodations include modifying physical facilities, providing work aids, arranging flexible work hours, using assistive technology, and adapting work procedures to meet workers' needs. By consistently implementing reasonable accommodations, businesses can create an inclusive, non-discriminatory workplace that aligns with the principles of human rights protection in the employment sector.
4. Improving inclusive education and job training is also a crucial step in enhancing the competence and competitiveness of people with disabilities in the modern job market. This can be achieved through collaboration between Vocational Training Centers (BLK), universities, industry, and professional certification bodies to ensure that the training provided is truly relevant to the needs of the workforce. Training curricula must be designed inclusively, encompassing digital skills, entrepreneurship, and technical skills, along with instructor support that understands the needs of people with

disabilities (Fionita & Nurjannah, 2024). Furthermore, industry involvement is crucial for providing disability-friendly internships or training programs. By strengthening inclusive job training, people with disabilities can gain broader opportunities to improve their competence and enter the job market in an equitable, productive, and sustainable manner.

Strengthening public awareness and changing work culture are crucial steps to ensure that legal protection for people with disabilities is not merely normative but is truly realized in practice. Sustainable anti-discrimination campaigns through public education, workplace outreach, and training for HRDs to understand the diversity of disability abilities are essential. Furthermore, companies need to build an inclusive work culture through internal policies, objective performance appraisals, and meritocratic-based promotions. By strengthening social awareness and a work culture that values diversity, regulatory implementation becomes more effective and people with disabilities gain the space they deserve to contribute productively in the workplace.

#### **IV. CONCLUSION AND SUGGESTIONS**

##### **A. Conclusion**

Legal protection for workers with disabilities in Indonesia has a fairly strong legal basis through Law No. 8/2016 and Law No. 13/2003, which guarantee the right to equality, adequate accommodation, equal wages, OSH protection, and employment social security. However, its implementation still faces various challenges such as weak law enforcement, minimal provision of adequate accommodation, social discrimination, regulatory disharmony, and limited inclusive job training. These challenges indicate that existing legal protections have not fully guaranteed certainty and equal opportunities for people with disabilities. Therefore, systematic steps are needed to ensure that the principles of non-discrimination and equal opportunity are truly realized in employment relations.

## B. Suggestion

To strengthen the effectiveness of legal protection, the government needs to clarify derivative regulations and impose strict administrative sanctions on non-compliant companies, along with more professional labor oversight through inclusive audit mechanisms. Companies are required to consistently provide adequate accommodation and build a non-discriminatory work culture. Furthermore, expanding inclusive job training through collaboration with Vocational Training Centers (BLK), universities, industry, and certification bodies is urgently needed to increase the competitiveness of workers with disabilities. Strengthening public awareness through anti-discrimination campaigns is also crucial to ensure that behavioral and work culture changes can balance regulatory reforms, ensuring that people with disabilities truly receive equal protection and employment opportunities.

## REFERENCE LISTAN

- Ayumi, N. K. T., Darma, I. M. W., Tri, N. G. A. A. M., & Arsawati, N. N. J. (2025). Perlindungan Inklusif Bagi Pekerja Disabilitas di Piduh Charity Café Dalam Perspektif HAM. *Al-Zayn: Jurnal Ilmu Sosial & Hukum*, 3(4), 5779-5788.
- Budiman, E. K., & Syailendra, M. R. (2025). Pengaturan Jaminan Pemenuhan Hak Bekerja Terhadap Penyandang Disabilitas. *Kertha Semaya: Journal Ilmu Hukum*, 13(10), 2323-2338.
- Fionita, W., & Nurjannah, E. (2024). Implementasi Pendidikan Inklusif Sebagai Perubahan Paradigma Pendidikan di Indonesia. *Jurnal Bintang Pendidikan Indonesia*, 2(2), 302-311.
- Hafid, M., Hijriani, H., & Bariun, L. O. (2025). Langkah-Langkah Perlindungan Hukum atas Hak Penyandang Disabilitas untuk Mendapatkan Pekerjaan. *Sultra Research of Law*, 7(1), 91-100.
- Harahap, A. M. (2020). Pengantar hukum ketenagakerjaan. CV Literasi Nusantara Abadi.
- Nama, M. Y. T. (2024). Hak Memperoleh Pekerjaan Bagi Penyandang Disabilitas Pasca Diberlakukannya Undang-Undang Cipta Kerja. *Journal of Law and Islamic Law*, 2(2), 113-133.
- Riyadi, R. B. (2025). Tanggung Jawab Hukum Terhadap Tenaga Kerja Outsourcing Dalam Perspektif Undang-Undang Ketenagakerjaan di Indonesia. *Jurnal Teknik, Komputer, Agroteknologi Dan Sains*, 4(1), 7-11.
- Rizkiah, M., Sari, S. P., Kautsar, D., & Jumhana, E. (2025). Tantangan Dalam Implementasi Kebijakan Tenaga Kerja Disabilitas Menurut Hukum Ketenagakerjaan. *SYARIAH: Jurnal Ilmu Hukum*, 2(2), 281-287.
- Subawa, I. M. O., & Apriliani, K. (2025). Perlindungan Hukum Pekerja Difabel Dalam Perspektif Hukum Ketenagakerjaan dan Hak Asasi Manusia. *Jurnal Hukum Mahasiswa*, 5(02), 168-186.