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## The Gap Between Regulation and Implementation in Legal Protection for Persons with Disabilities

Popy Rakhmawaty<sup>1</sup>, Binsar Jon Vic<sup>2</sup>

<sup>1</sup>Universitas Borobudur, Jakarta, Indonesia, [poppyrakhmawaty@gmail.com](mailto:poppyrakhmawaty@gmail.com)

<sup>2</sup>Universitas Borobudur, Jakarta, Indonesia, [binsar\\_jon@borobudur.ac.id](mailto:binsar_jon@borobudur.ac.id)

Corresponding Author: [poppyrakhmawaty@gmail.com](mailto:poppyrakhmawaty@gmail.com)<sup>1</sup>

**Abstract:** Legal protection for persons with disabilities in Indonesia has been regulated in various laws and regulations, such as Law Number 8 of 2016 concerning Persons with Disabilities, as well as international legal instruments such as the Convention on the Rights of Persons with Disabilities (CRPD) which has been ratified by Indonesia. Although normatively the legal framework has reflected the state's commitment to guaranteeing the rights of persons with disabilities, the reality on the ground shows that there is still a significant gap between regulations and their implementation. This study aims to identify factors that cause inconsistencies between legal norms and their implementation practices, as well as to evaluate the role of state institutions and society in the process. The method used is a normative and empirical legal approach by examining applicable regulations and their implementation in several sectors, such as education, employment, and accessibility of public facilities. The study results show that the main obstacles in implementing regulations lie in the lack of coordination between institutions, budget constraints, minimal legal socialization, and suboptimal monitoring and law enforcement mechanisms. Therefore, a more holistic and integrative strategy is needed to close this void to realize justice and equality for persons with disabilities in Indonesia.

**Keywords :** Legal Protection, People With Disabilities, Regulatory Gaps.

### INTRODUCTION

People with disabilities often face injustice in various aspects of life, from social, economic, educational, to political (Al Maslul, 2025). They often experience discrimination, negative stigma from society, difficulty accessing public services, and lack of attention to their special needs (Fathimah, 2020). This condition makes them a vulnerable group and in great need of protection and special attention from the state so that they can live equally and with dignity.

Fulfilling the rights of people with disabilities is not only a form of social concern but also an important part of upholding human rights (Londa, 2023). The right to education, employment, health services, easy access to public facilities, and the opportunity to actively participate in community and state life are basic rights that must be guaranteed without

discrimination (Ndaumanu, 2020). In a state system of law, recognition, and protection of these rights is a constitutional responsibility that must be fulfilled by the state.

The law is crucial in realizing justice and equality for all citizens including people with disabilities (Priyambodo, 2025). Through legal regulations and policies, the state can take affirmative steps, ensure that their rights remain protected, and provide mechanisms to address possible violations. Without clear regulations and effective implementation, people with disabilities will continue to be marginalized and find it difficult to fully contribute to social life and national development as a whole (Dirkareshza, 2023).

Legal protection for individuals with disabilities in Indonesia now has a better base with the presence of Law Number 8 of 2016 concerning Persons with Disabilities (Law on Persons with Disabilities) (Ramadhan, 2021). This law replaces the old regulation from 1997 which was considered not to have fully prioritized the human rights approach. The Law on Persons with Disabilities contains important principles such as respect for human dignity, individual freedom, equality, and ease of access, which are clearly stated in Article 2 (Itasari, 2020). This law also emphasizes that the state is obliged to ensure that the rights of individuals with disabilities are met in different spheres, such as education, work, health, and opportunities to participate in politics.

Through Law Number 19 of 2011 about the Ratification of the Convention on the Rights of Persons with Disabilities, Indonesia has also ratified the United Nations Convention on the Rights of Persons with Disabilities (CRPD), further demonstrating its commitment to the global arena (Paruntu, 2023). With this step, Indonesia promises to adopt the principles of the convention into national law and ensure its implementation runs well. The CRPD emphasizes the importance of a rights-based approach, not just compassion, which means that the state must eliminate all social and structural barriers so that persons with disabilities can fully participate in community life.

Legally, the existence of the Law on Persons with Disabilities and its implementing regulations, coupled with the ratification of the CRPD, shows that the state is serious about ensuring equality and protection for persons with disabilities (Chandra, 2021). This regulation reflects the determination to build an inclusive society free from discrimination. However, even though these regulations are complete, the biggest challenge lies in their implementation which is not yet even and consistent in various sectors of life and regions in Indonesia.

Although the regulatory framework governing the rights of persons with disabilities in Indonesia is relatively comprehensive, the reality of implementation in the field still shows striking gaps (Ramadhani, 2024). What is stated in legal norms has not been fully reflected in practice. Many policies that should accommodate the needs of persons with disabilities are not optimally implemented by relevant agencies, both at the central and regional levels. The lack of synchronization between national policies and their implementation is often triggered by weak coordination between institutions, budget constraints, and low awareness and understanding of policy implementers regarding the substance of existing laws.

Some real examples of this gap can be seen in various sectors. In the infrastructure sector, many public facilities are not yet disability-friendly, such as sidewalks that are not equipped with guide paths for the blind, buildings without wheelchair access, or public transportation that is not yet inclusive (Propiona, 2021). In the employment sector, the participation rate of people with disabilities in the workforce is still very low even though regulations require companies to employ them (Dahlan, 2021). Likewise, in the inclusive education sector, it has not been evenly implemented because many schools are not yet ready in terms of facilities or educational resources to accept students with disabilities (Alfikri, 2022). These things emphasize that legal protection is not enough just at the regulatory level but must also be realized in the real practice of inclusive and equitable public policies.

This research is very important because it aims to fill the gap in studies that connect existing legal regulations with the reality of the implementation of legal protection for people with disabilities in Indonesia. Although there are adequate regulations in place, there are still few studies that systematically assess the extent to which the implementation is running in various strategic sectors. From an academic perspective, this research will add to the literature on disability law with an empirical approach that has rarely been discussed in depth. Practically, the results of this research are expected to be the basis for making recommendations for more sensitive and inclusive public policies. These findings are also expected to encourage changes in the implementation of policies that have tended to be stagnant, so that the rights of people with disabilities are not just written on paper, but can be felt and realized in everyday life.

## **METHOD**

This study uses two main approaches, namely normative legal and empirical, to understand the gap between legal rules and practices List Indonesian laws protecting people with impairments. In the normative legal approach, the study looks at international legal documents like the CRPD as well as laws and regulations like Law Number 8 of 2016 concerning Persons with Disabilities. It also investigates legal concepts pertaining to the rights of people with disabilities using the statute approach and conceptual approach. Meanwhile, the empirical approach is carried out by tracing how these policies are implemented in the field, especially in education, employment, and accessibility of public facilities.

## **RESULT AND DISCUSSION**

### **Form of Gap Between Regulation and Implementation of Legal Protection for Persons with Disabilities**

The state's dedication to upholding, defending, and implementing the rights of people with disabilities is demonstrated in the Law on Persons with Disabilities comprehensively and equally (Farhan, 2024). This law replaces the old approach that prioritized compassion, with a human rights-based strategy. According to Article 3, the primary goal of this law is to guarantee that people with disabilities are treated fairly, independently, and with dignity in all facets of life, and that their human rights are fulfilled. Individuals with Disabilities and This Law also serves as a legal basis for the state to prevent discrimination and unfair treatment of persons with disabilities (Abdussamad, 2023).

Article 2 of this law summarizes important principles in the implementation of the rights of persons with disabilities such as non-discrimination, equality, accessibility, full participation, and respect for human dignity (Violetta, 2023). These principles emphasize that persons with disabilities are legal subjects who have equal rights and should not be treated inferiorly in society. The principles of inclusiveness and special treatment demonstrate recognition of the special needs of persons with disabilities that must be proactively accommodated by the state and society.

The Law on Persons with Disabilities also regulates the rights of persons with disabilities in detail in various fields (Salsabila, 2021). In the field of education, Article 10 explains that they have the right to receive quality education inclusively at all levels, as well as the opportunity to become educators and education providers. In the field of health, Article 12, they have the right to safe, affordable, and appropriate services, including access to health aids and protection from medical experiments. In Social Protection, Article 91, the state is obliged to guarantee access to social rehabilitation, social security, and social empowerment. Meanwhile, in the legal aspect, Article 9 states that persons with disabilities have the right to equal treatment before the law, protection from violence, and equal access to the justice system.

As a tangible demonstration of the state's commitment to upholding, defending, and fulfilling the rights of people with disabilities, Indonesia ratified the Convention on the Rights of Persons with Disabilities (CRPD) through Law Number 19 of 2011 after realizing that people with disabilities in Indonesia continue to frequently experience discrimination, restricted access, and unfair treatment that keeps them from fully engaging in community life. By ratifying the CRPD, Indonesia officially declares its willingness to adopt international values and principles into the national legal system and encourages policy reform to be more inclusive and equal for all citizens.

The CRPD itself brings a new spirit by emphasizing principles such as non-discrimination, equality before the law, respect for human dignity, accessibility, and full participation in society (Dirkareshza, 2023). These principles are very influential in strengthening the national legal system, one of which is reflected in the birth of the Law on Persons with Disabilities. The CRPD also encourages a change in perspective from being based on compassion to being based on rights, so that persons with disabilities are seen as independent legal subjects who are equal to other citizens.

Indonesia must amend all of its laws and policies to comply with the CRPD's standards. In addition to ensuring that people with disabilities are not subjected to violence or cruel treatment, it also entails ensuring that they have equal access to public services, education, employment, justice, and social protection to physical and mental integrity (Nazifah, 2024). The state is also required to provide disability-friendly infrastructure and effective legal protection so that people with disabilities can live independently and with dignity, including in emergency or disaster situations.

Particularly since Indonesia ratified the Convention on the Rights of Persons with Disabilities (CRPD) through Law Number 19 of 2011 and passed the Law on Persons with Disabilities, the country's legal framework for protecting the rights of people with disabilities is fairly robust and compliant with international standards. These regulations uphold universal principles such as non-discrimination, accessibility, equality, and full participation of persons with disabilities in various aspects of life. These regulations also guarantee important rights such as education, employment, health services, legal protection, and access to public facilities, which are major advances in fulfilling human rights in Indonesia.

Although these regulations are written down as complete and comprehensive, in reality, their implementation still faces many obstacles. In various regions, the substance of the law has not been fully translated into operational policies or real actions that are even and consistent. Limited resources, lack of understanding from implementing officials, and weak monitoring and evaluation systems are the main obstacles that make the implementation of this law less effective. As a result, there is still a fairly large gap between what is expected normatively and the reality on the ground. The national and regional governments must give this issue careful consideration in order to promote the adoption of more equitable and inclusive legislation for all Indonesians with disabilities.

The implementation of inclusive education in Indonesia still faces several significant challenges, especially in public schools. Although the Law on Persons with Disabilities has emphasized the importance of equal access to education for people with disabilities, in reality, many schools are not yet equipped with supporting facilities such as appropriate learning aids with a curriculum that can adapt to special needs, and teaching staff trained in dealing with students with disabilities. Training for teachers in inclusive education is also still uneven, so many teachers do not have adequate pedagogical skills to support student diversity. In addition, there is still resistance from several educational institutions that feel reluctant to accept students with disabilities because they are considered to require extra costs and attention.

Employment opportunities for people with disabilities are still limited even though there are affirmative policies that require government agencies and private companies to employ

them in certain numbers. Discrimination in the recruitment process still often occurs, both directly and indirectly, such as a lack of attention to the need for adaptation in the workplace. Many companies have not provided physical or technological access that is friendly to workers with disabilities, so they have difficulty contributing optimally. Job training specifically designed for people with disabilities is still rare, leaving them less prepared to compete in the job market. As a result, many end up working in the informal sector or even unemployed.

In general, public facilities in Indonesia are also not fully friendly to people with disabilities. Many sidewalks, bus stops, train stations, hospitals, and government offices do not have ramps, lifts, or easily accessible signs. Public transportation is also often not equipped with facilities such as wheelchair areas or audio systems for the blind. Public information is also rarely available in alternative formats such as Braille, sign language, or audio-visual, limiting people with disabilities access to information on an equal basis. Although several regulations regulate the obligation to provide accessibility facilities, their implementation is still weak due to the lack of supervision and sanctions for violations.

### **Factors Causing a Gap Between Regulation and Implementation of Legal Protection for Persons with Disabilities**

Lack of coordination between institutions is one of the main obstacles in realizing the rights of Indonesia's disabled population. Although Indonesia adopted the CRPD through Law No. 19 of 2011 and has a law on persons with disabilities, the implementation of these legislation is frequently inconsistent due to overlapping power amongst authorities. The Ministry of Social Affairs, for instance, concentrates on initiatives that empower individuals with impairments, the Ministry of Education handles inclusive education, and the Ministry of Manpower handles access to employment. However, each of these institutions often works separately without clear and integrated cross-sectoral coordination.

This lack of synchronization leads to fragmented policies, where one program does not complement each other and sometimes even conflicts with programs from other ministries or institutions. For example, job skills training from the Ministry of Manpower may not be by the vocational education needs set by the Ministry of Education because there is no mechanism for aligning training standards. Likewise, when local governments implement local affirmative action programs, they often lack technical references from related ministries, making their implementation less effective.

The absence of an integrated coordination mechanism or "one-stop shop" system further exacerbates this problem. Without a specific body that consistently monitors, directs, and coordinates cross-sector policies, each institution tends to operate independently. Fulfilling the rights of persons with disabilities requires synergy from various sectors such as education, health, social, employment, and infrastructure. Without integrated coordination, persons with disabilities are at risk of experiencing inconsistent and discriminatory treatment between one region or agency and another.

In Indonesia, a significant barrier to the realization of the rights of people with disabilities is financial constraints. Their implementation is frequently hindered by a lack of funding from the APBN and APBD, despite the fact that the Law on Persons with Disabilities and the adoption of the CRPD have stressed the state's commitment to respect, protect, and fulfill their rights. This is seen in a number of domains, including education, employment, and public facilities. In the education sector, budget limitations mean that teacher training in managing inclusive education is not yet optimal. Many teachers in public schools do not yet have sufficient competence to accommodate the learning needs of students with disabilities, both in terms of teaching methods and the use of assistive devices. In addition, the availability of learning aids such as hearing aids, braille devices, and screen reader technology is still very limited, especially in schools in remote or less developed areas.



In employment, minimal budgets also limit the implementation of inclusive job training. Many people with disabilities do not receive vocational training that is by their potential and needs. Empowerment and entrepreneurship programs that should be alternative solutions have not been running optimally due to the lack of funds for ongoing development, access to business capital, and supporting facilities for a disability-friendly work environment.

Limited funds affect the construction and maintenance of public facilities that are friendly to disabled people. Many public facilities such as sidewalks, bus stops, hospitals, government offices, and train stations are not yet equipped with ramps, special lifts, braille signs, or easily accessible audio-visual information systems. Local governments often complain about limited funds as the main reason for the lack of these facilities, even though accessibility is an important part of ensuring equal rights for people with disabilities.

The significant budget cuts for the National Disability Commission (KND) are also a real example of how limited funds can hinder efforts to protect and advocate for the rights of people with disabilities in Indonesia. With drastically reduced budgets, various important programs that support inclusivity and the welfare of people with disabilities are at risk of being delayed or not running optimally. This shows the need for serious attention from the government so that the allocated budget can be sufficient and support the implementation of the rights of people with disabilities in a real and sustainable manner.

Weak supervision and law enforcement are crucial factors that make it more difficult for Indonesia to execute the rights of people with disabilities. Despite the fact that a number of laws specifically govern the realization and defense of the rights of individuals with disabilities, the function of oversight organizations like the National Human Rights Commission and the Ministry of Social Affairs, and the Indonesian Ombudsman has not yet been implemented optimally. The lack of a systematic and comprehensive control mechanism has caused many violations of the rights of persons with disabilities to escape the attention of the public and the law.

One of the main roots of the problem is the absence of firm and effective sanctions for violations that occur. Many public and private institutions fail to meet accessibility standards or do not implement affirmative policies, but do not receive significant legal consequences. Normative legal provisions without clear administrative or criminal sanctions tend to implement these regulations ignored or carried out half-heartedly. As a result, the rights of persons with disabilities such as access to education, employment, public services, and inclusive infrastructure are often neglected without any accountability mechanism.

The weakness of the reporting and monitoring system also contributes to the ineffectiveness of law enforcement. Many persons with disabilities or their families do not know the channels or procedures for reporting when they experience rights violations. On the other hand, not all regions have responsive supervisory institutions or inclusive complaint mechanisms. This condition creates a space of impunity where violations are not recorded and are not followed up, either administratively or judicially.

### **The Role of State Institutions and Society in Addressing Disparities for Persons with Disabilities**

The importance of mapping authority between ministries and institutions such as the Ministry of Social Affairs, the Ministry of Education, Culture, Research and Technology, the Ministry of Manpower, and local governments is the starting point in resolving the issue of overlapping policies and programs targeting people with disabilities. Currently, each agency tends to run with its plan without comprehensive integration, so policy implementation is not synchronized in the field. For example, vocational training prepared by the Ministry of Manpower is not in line with the inclusive education policy of the Ministry of Education,

Culture, Research, and Technology or the social assistance program of the Ministry of Social Affairs, which ultimately reduces the effectiveness of the program.

The solution that can be implemented is the need for an integrated coordination mechanism, such as a national task force in addressing disability issues, or a cross-sector unit under the Coordinating Ministry for PMK. Local governments as the main technical implementers must receive consistent direction and supervision from the center so that policies can be implemented uniformly. The integrated digital system is essential to strengthen real-time monitoring and data collection, minimize data duplication, and ensure that the programs provided are on target.

The legal and policy framework for the protection and empowerment of persons with disabilities is indeed available, but often the realization in the field is hampered by the lack of budget allocation. Therefore, it is necessary to carry out budget planning based on the real needs of persons with disabilities in various sectors, such as education, health, employment, and public infrastructure. For example, the budget for teacher training in inclusive schools or the procurement of mobility and communication aids is often not available or is limited, even though these needs are basic.

To ensure the sustainability of the program, a special fund allocation (earmarked budget) is needed in the APBN and APBD that covers the fulfillment of disability rights in full. Active participation of organizations of persons with disabilities in budget planning and supervision is an important aspect to ensure accountability and accuracy of targeting. On the other hand, the private sector also needs to be involved through fiscal incentives or CSR programs that are concretely directed at the issue of inclusion and accessibility for persons with disabilities, so that financing does not only depend on the state.

One of the root problems in the implementation of disability rights is the stigma and ignorance of the community towards persons with disabilities. Therefore, a massive socialization program must be launched at the national and local levels to increase public awareness. This campaign should involve mainstream media, community leaders, educational institutions, and religious sectors that have broad influence. This effort aims to encourage a paradigm shift in society from compassion to respect for the human rights of people with disabilities.

In addition, it is important to develop an inclusive training curriculum for teachers, health workers, law enforcement officers, and public service providers so that they understand the right approach to interacting with and serving people with disabilities. Legal and policy information must also be available in accessible formats, such as braille, audio, sign language, and disability-friendly digital formats. Equally important, increasing legal literacy in the community, especially people with disabilities and their families, will encourage them to become active legal subjects who can fight for their rights and access complaint channels effectively.

The effectiveness of regulation is highly dependent on a strong and sustainable monitoring system. Therefore, it is necessary to empower supervisory institutions such as Komnas HAM, the Ombudsman, and the Regional Inspectorate to supervise the implementation of policies for persons with disabilities in the field. This supervision is not only limited to technical implementation but also involves assessing the achievement of output and the impact of the policies implemented. Strong supervision will prevent rights violations and encourage improvements in public services. The development of a public reporting system that is inclusive and easy to use by persons with disabilities, both online and offline. Violations of the rights of persons with disabilities must be subject to strict sanctions, both administrative and legal so that there is a deterrent effect for the perpetrators and related institutions. In addition, the involvement of civil society and organizations of persons with disabilities as partners in the process of monitoring and advocating for policies will strengthen the legitimacy

and transparency of policy implementation. With strict supervision and high accountability, the implementation of the rights of persons with disabilities can run more optimally and sustainably.

## CONCLUSION

By changing the focus from compassion to a rights-based approach, the Law on Persons with Disabilities marks a significant turning point in Indonesia's human rights protection history. This law fully governs the rights of people with disabilities in a number of spheres of life, such as health and education, legal protection, and employment, and emphasizes principles such as non-discrimination, equality, accessibility, and full participation. Although Indonesia's legal framework is in line with international standards through the ratification of the CRPD, its implementation still faces a number of obstacles, including as institutional resistance, a lack of resources, and authorities' ignorance. Because of this, people with disabilities continue to experience prejudice and have trouble obtaining information, public services, education, and jobs. Therefore, to guarantee the implementation of laws that are more inclusive, equitable, and dignified for all persons with disabilities in Indonesia, a genuine commitment from all parties—including the central and regional governments—is required.

The main problems in fulfilling the rights of persons with disabilities in Indonesia lie in the lack of coordination between institutions, limited budget, and weak supervision and law enforcement. Although regulations such as the Law on Persons with Disabilities and the ratification of the CRPD have been passed, their implementation is still hampered by overlapping authorities and minimal synergy between ministries and local governments, resulting in fragmented and ineffective policies. Limited funds also hamper the provision of inclusive facilities, training of educators, and sustainable empowerment programs. On the other hand, weak monitoring mechanisms, the absence of strict sanctions, and a non-inclusive reporting system further worsen this condition. Therefore, concrete steps are needed in the form of strengthening cross-sectoral coordination, adequate budget allocation, and a more assertive and responsive monitoring and law enforcement system to realize justice and equal rights for persons with disabilities.

To realize comprehensive and equitable protection and rights fulfillment of disable persons, strong synergy is needed between ministries/institutions, an increase in rights-based budgets, educational campaigns to eliminate stigma and a transparent and participatory monitoring system. Clear mapping of authority, integrated coordination mechanisms, and central supervision of local governments will create a harmonious policy ecosystem. Inclusive budget planning, participation of disability organizations, and encouragement from the private sector will strengthen the financing aspect. A comprehensive legal literacy and socialization program, accompanied by monitoring by independent institutions and civil society, is key to ensuring that policy implementation is effective and guarantees the rights of people with disabilities in a real and sustainable manner.

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