



## LEGAL BRIEF

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# Regulation of the Education Rights of Persons with Disabilities in Law Number 8 of 2016 concerning Persons with Disabilities

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### *Abstract*

*As citizens of Indonesia, persons with disabilities constitutionally have the same rights and positions before the law and the government. The state should be directly involved in people's welfare efforts, such as directly providing various forms of basic services, such as education services. The 1945 Constitution guarantees in each of its articles that every citizen has the right to get facilities and special treatment to obtain equal opportunities and benefits in order to achieve equality and justice, so that welfare will be formed for all citizens, have the right to protection from violence and discrimination. . Law Number 8 of 2016 concerning Persons with Disabilities regulates the right to education for persons with disabilities, providing an understanding that Persons with Disabilities need certain treatment, certain treatments, certain facilities, which are then tried to be explained and regulated further in the Law This basically refers to the Convention On The Rights Of Persons with Disabilities which has been ratified in Law Number 19 of 2011.*

**Keywords:** Regulation, Right to education, Persons with Disabilities

## **A. Introduction**

The State of Indonesia is a State of Law<sup>1</sup>. It is stated that one of the goals of the state is to protect all Indonesian people and all of Indonesia's bloodshed This goal reflects the value that Indonesia as a country that adheres to the basic principles of law (rechtstaat) has a constitutional commitment to protect and respect the human rights of all its citizens regardless of religion, ethnicity, race, class, gender, social status, or limitations possessed by its citizens. caused by physical, mental, intellectual, sensory, and/or motor disorders.

Human rights are universal, lasting, cannot be reduced, restricted, prevented, let alone revoked or eliminated by anyone, including the State.<sup>2</sup>Human rights in all circumstances must be respected, protected, and fulfilled not only by the state but by all elements of the nation, including the government to the community. With such an understanding, respect, protection, and fulfillment of human rights for citizens must

<sup>1</sup> Pasal 1 (ayat) 3 Undang-Undang Dasar Negara Republik Indonesia Tahun 1945.

<sup>2</sup> Jimly Asshiddiqie, Menuju Negara Hukum Yang Demokratis (Jakarta: SekretariatJenderal dan Kepaniteraan Mahkamah Konstitusi, 2008).

be guaranteed in the laws and regulations in force in Indonesia.<sup>3</sup> Enforcement Human rights in Indonesia is one of the reform mandates.

The Indonesian state is obliged to protect and prosper all its citizens without discriminating against religion, race, language, ethnicity, culture, religion, skin color or even their physical condition. As is the case with Indonesian citizens who experience limited interaction caused by physical, mental, intellectual, sensory and/or motor disorders, which are then referred to as persons with disabilities. As part of Indonesian citizens, constitutionally persons with disabilities have the same rights and position before the law and government and receive protection and discriminatory treatment like Indonesian citizens in general.

As an effort to protect the law against persons with disabilities, Indonesia ratified the Convention *On The Rights Of Person with Disabilities* through Law Number 19 of 2011. This makes Indonesia a part of the world community that is committed through formal juridicalism to take all efforts to optimally realize all forms of honor, protection and fulfillment of the rights of persons with disabilities as stated in the Convention *On The Rights Of Persons with Disabilities*, which then as Indonesia's next step established Law Number 8 of 2016 concerning Persons with Disabilities in lieu of Law Number 4 of 1997 concerning Persons with Disabilities which is more compassionate (Charity Based).

Law Number 8 of 2016 concerning Persons with Disabilities places more people with disabilities on par with normal humans in general, so that its contents emphasize the equality of rights as human beings.

Persons with disabilities, in fact, are people who are vulnerable to other forms of discrimination or marginalized, especially children and women who are vulnerable to double discrimination. One of the tangible forms is the widespread oblique view towards groups of people with disabilities, the domino effect is not small<sup>4</sup>. Persons with disabilities in Indonesia live in conditions of vulnerability, backwardness, and/or poverty, because there are still restrictions, obstacles, difficulties, and reduction or elimination of the rights of persons with disabilities.<sup>5</sup> The author in this case relates one of the factors that can be related to the above conditions, due to the lack of fulfillment of the right to education for persons with disabilities.

The right to education is a very important right for the continuation of other rights. Education is an investment of a nation, provision of life and human life in the present and the future. Education has an influence on all aspects of life. Every citizen has the right to education without exception.

Therefore, this paper wants to discuss how the regulation of the 1945 Constitution regulates the right to education for people with disabilities? And how is Law No. 8 of 2016 as a new law a form of reform to the fulfillment of the rights of

<sup>3</sup> Kesadaran akan perkembangan HAM dengan memandang seorang manusia sesuai dengan hak asasinya juga terjadi di dunia internasional pada sepuluh tahun terakhir atau pasca perang dingin dimulai. Lihat, Satya Arinanto, *Hak Asasi Manusia dan Transisi Politik di Indonesia*, (Jakarta: Pusat Studi Hukum Tata Negara FHUI, 2008), hlm. 1.

<sup>4</sup> Majda El Muhtaj, *Dimensi-dimensi HAM; Mengurai Hak Ekonomi, Sosial, dan Budaya* (Jakarta: PT. Raja Grafindo Persada, 2009), hlm. 278.

<sup>5</sup> Tertuang dalam *Konsideran Undang-Undang Nomor 8 Tahun 2016 tentang Penyandang Disabilitas*.

persons with disabilities in guaranteeing the fulfillment of one of the rights of persons with disabilities, namely the right to education.

### **Theoretical framework.**

#### **Welfare Law State**

The welfare state is considered the most appropriate answer to the form of state involvement in advancing people's welfare. This belief is reinforced by the emergence of empirical facts regarding market failure and government failure in improving people's welfare<sup>6</sup>. The purpose of the establishment of the Republic of Indonesia is basically to prosper all the people without exception. In other words, the Indonesian state aims to establish a welfare state. The goal of national development is to increase social welfare, not just economic growth, but to fulfill the basic social and economic needs of every citizen in order to achieve a minimum standard of living.

The concept of welfare is often interpreted differently by different people and different countries. Referring to Spicker, Midgley, Tracy and Livermore, Thompson, and Suharto, the notion of welfare has at least four meanings; First, as a condition of well-being. This understanding usually refers to the term social welfare as a condition for meeting material and non-material needs. Midgley, defines social welfare as "a condition or state of human well-being".<sup>7</sup>

Second, as a social service, in England, Australia and New Zealand, social services generally include five forms, namely social security, health services, education, housing and personal social services.

Third, as a social benefit which, especially in the United States (US), is given to the poor. Because most of the welfare recipients are poor, disabled, unemployed people, this situation then creates a negative connotation in the term welfare, such as poverty, laziness, dependence, which is actually more accurately called "social illfare" compared to "social welfare".<sup>8</sup>

Fourth, as a planned process or effort carried out by individuals, social institutions, communities and government agencies to improve the quality of life (first sense) through the provision of social services (second sense) and social benefits (third sense).<sup>9</sup>The welfare state is closely related to social policy which in many countries includes strategies and government efforts to improve the welfare of

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<sup>6</sup> William R. Keech, "Market Failure and Government Failure", Paper submitted for presentation to Public Choice World Congress, Public Version 1.0—2-27-12, Miami, 2012, hlm. 5

<sup>7</sup> James Midgley, et. al., "The Handbook of Social Policy", dalam Michelle Livermore, 2000, Sage, London, hlm. xi-xv

<sup>8</sup> Edi Suharto, "Negara Kesejahteraan dan Reinventing Depsos", Seminar "Mengkaji Ulang Relevansi Welfare State dan Terobosan melalui Desentralisasi-Otonomi di Indonesia", Institute for Research and Empowerment (IRE) Yogyakarta dan Perkumpulan Prakarsa Jakarta, Wisma MM UGM, Yogyakarta, 2006, hlm. 4.

<sup>9</sup> Edi Suharto, *Peta dan Dinamika Welfare State di Beberapa Negara: Pelajaran apa yang bisa dipetik untuk membangun Indonesia?*, Makalah disampaikan pada Seminar "Mengkaji Ulang Relevansi Welfare State dan Terobosan melalui Desentralisasi Otonomi di Indonesia", Institute for Research and Empowerment (IRE) Yogyakarta dan Perkumpulan Prakarsa Jakarta, Wisma MM Universitas Gadjah Mada, Yogyakarta, 2006.

its citizens, especially through social protection which includes social security (both in the form of social assistance and social insurance), and social safety nets.<sup>10</sup>

The rule of law according to the concept of Plato in (427-347) is Nomocracy,<sup>11</sup>The concrete form of the emergence of the concept of rechtsstaat, by German experts and the rule of law in England, is the idea of a constitution to guarantee human rights and the separation of powers.

In an abstract sense, the state can be interpreted as a legal entity that has a specific purpose. In a welfare state, the goal of the state is none other than to realize the welfare of every citizen.<sup>12</sup>

The concept of a welfare state according to Bagirmanan is that the state or government is not merely a guardian of security or public order, but the main bearer of the responsibility to realize social justice, general welfare and the greatest prosperity of the people.<sup>13</sup>Meanwhile, according to Sjachan Basah, the government's goal is not solely in the field of government, but must carry out social welfare in order to achieve state goals through national development.<sup>14</sup>

In the context of realizing the welfare state as the basis of national development based on Pancasila, it is imperative that all government activities including the determination of location permits in a development must aim at the welfare of the community.

## B. Literature review

Every citizen has the same opportunity both in terms of work, accessing public facilities, getting a decent life and livelihood, including for persons with disabilities. Law Number 4 of 1997 concerning Persons with Disabilities, which is no longer in accordance with the current paradigm of the needs of persons with disabilities. In terms of fulfilling education for persons with disabilities, it is studied to what extent and how Law Number 8 of 2016 can fulfill the rights of persons with disabilities, one of which is the right to education.

## C. Method

The research approach used in this research is normative juridical research. Normative legal research is an approach that is carried out based on the main raw materials, examining theoretical matters concerning legal principles, legal conceptions, views and legal doctrines, regulations and legal systems using secondary data, including: principles, rules, norms, and the rules of law contained in laws and

<sup>10</sup> Elviandri, Khuzdaifah Dimiyati, dan Absori "QUO Vadis Negara Kesejahteraan : Meneguhkan Ideologi Welfare State Negara Hukum Kesejahteraan Indonesia"Jurnal Hukum Fakultas Hukum Universitas Muhamadiyah Surakarta, sukoharjo, Jawa Tengah, 57162.

<sup>11</sup> Jimly Asshiddiqie. *Agenda Pembangunan Hukum Nasional Di Abad Globalisasi*.Balai Pustaka.Jakarta,1998, Hlm.82-83.

<sup>12</sup> Aslan Noor.*Konsep Hak Milik Atas Tanah Bagi Bangsa Indonesia Ditinjau Dari Ajaran Hak Asasi Manusia*.Mandar Maju. Jakarta,2006, Hlm.35

<sup>13</sup> Bagir Manan.*Politik Perundang undangan Dalam Rangka Mengantisipasi Liberalisasi Perekonomian*.Fakultas Hukum UNILA.Lampung.1996, Hlm.16

<sup>14</sup> Sjachran Basah.*Eksistensi Dan Tolak Ukur Badan Peradilan Administrasi di Indonesia*.Bandung Hal.3.

regulations and other regulations, by studying books, laws and regulations and other documents closely related to research. The purpose of the normative research method in a research effort and writing this thesis is based on the compatibility of theory with research methods needed as a matter of answering the problem.

## **D. Results and Discussion**

### **1. Regulation of the Right to Education for Persons with Disabilities in the 1945 Constitution**

In the preamble to the 1945 Constitution of the Republic of Indonesia, it is stated that the aim of the State is to protect the entire Indonesian nation and the entire homeland of Indonesia and to promote general welfare, educate the nation's life, and participate in carrying out world order based on independence, eternal peace and social justice. To realize this goal, efforts are needed aimed at fulfilling the welfare and protection of the Indonesian people, including for persons with disabilities. Efforts that can be made include providing equal and equitable opportunities for persons with disabilities to develop themselves according to their abilities, talents and interests to enjoy, contribute,

The 1945 Constitution of the Republic of Indonesia has been amended four times after the reform era began. In the second amendment, a special chapter (Chapter XA) was added on human rights. Chapter XA consists of 10 (ten) articles, namely Article 28A to Article 28J. The human rights regulated in it start from the categories of civil, economic, educational, and social rights. In addition, Chapter XA also stipulates the responsibility of the state in terms of protection, promotion, enforcement and fulfillment of human rights in Indonesia, including the protection and fulfillment of human rights for persons with disabilities.

Articles in the 1945 Constitution of the Republic of Indonesia relating to persons with disabilities in fulfilling their education rights include:

Article 28A, Article 28B paragraphs (1) and (2), Article 28C paragraph (1), Article 28D paragraphs (1) and (3), Article 28G paragraphs (1) and (2), Article 28H paragraph (2) and (3), Article 28I paragraph (2), Article 31 paragraph (1), and Article 34 paragraph (2). Article 28A regulates the right to life and the opportunity to maintain life and livelihood.

Article 28B paragraph (1) and paragraph (2) regulates the right to form a family and continue offspring through legal marriage and regulates the rights of every child to survive, grow, and develop as well as the right to protection from violence and discrimination.

Meanwhile, Article 28C paragraph (1) regulates the right to self-development through the fulfillment of basic needs, the right to receive education and to benefit from science and technology as well as art and culture.

Persons with disabilities also have the right to obtain recognition, guarantee, protection, fair legal certainty, and equality before the law as well as the right to obtain equal opportunities in government, as regulated in the provisions of Article 28D paragraph (1) and paragraph (2).

Other rights are the right to self-protection, the right to a sense of security and protection from the threat of fear and the right to be free from torture or degrading treatment, including for Persons with Disabilities as stipulated in Article 28G paragraph (1) and paragraph (2).

Regulations regarding special needs, including for persons with disabilities are mandated in the provisions of Article 28H paragraph (2) and paragraph (3) which regulates

the right to receive facilities and special treatment to obtain equal opportunities and benefits in order to achieve equality and justice as well as the right to social security. which allows his full self-development as a dignified human being.

Article 28I paragraph (2) regulates the right to be free from discriminatory treatment on any basis and is entitled to protection against such discriminatory treatment. Human rights in the 1945 Constitution which are also closely related to persons with disabilities which have been neglected so far are the right to obtain education as regulated in Article 31 paragraph (1). Another right that is still not implemented by the government is the right to receive assistance and social security, even though this right has been clearly regulated in the provisions of Article 34 paragraph (2), which states that the State develops a social security system for all people and empowers the weak and vulnerable. unable to comply with human dignity.

## **2. Education Arrangements for Persons with Disabilities in Law No. 8 of 2016 concerning Persons with Disabilities.**

In Article 1 (paragraph) 1 of Law No. 8 of 2016 concerning Persons with Disabilities, persons with disabilities are any person who experiences physical, intellectual, mental and/or sensory limitations for a long period of time who may experience obstacles and difficulties to participate fully and effectively with other citizens based on equal rights.

Education is one of the rights of Persons with Disabilities as stated in Article 5 (paragraph) 1 letter e. Educational Rights of Persons with Disabilities include the right to:<sup>15</sup>

- a. Get quality education in quality education units in education units in all types, pathways, and levels of education in an inclusive and special way

Inclusive education is education for students with disabilities to study together with non-disabled students in regular schools or colleges. Special education is education that only provides special services to students with disabilities by using a special curriculum, special learning process, guidance and or care with special educators and the place of implementation is in a special learning place;

- b. Have equal opportunities to become educators or education personnel in educational units in all types, pathways and levels of education.
- c. Have equal opportunities as providers of quality education in educational units in all types, pathways and levels of education

States shall take appropriate steps to employ teachers, including teachers with disabilities, who have qualifications in sign language and/or braille, and to train professionals and staff working at various levels of education. Training will include awareness of disability and the use of means and formats of communication as well as augmentative and alternative educational techniques and materials to support persons with disabilities.

- d. Get proper accommodation as a student.

The implementation of the fulfillment of the right to education for persons with disabilities is carried out as follows:

The government and local governments have an obligation<sup>16</sup>:

- 1) Organizing and/or facilitating education for persons with disabilities in every path, type and level of education in accordance with their respective authorities. In this provision what is meant by:

<sup>15</sup> Pasal 10 Undang-Undang No 8 Tahun 2016 tentang Penyandang Disabilitas

<sup>16</sup> Pasal 40 Undang-Undang No 8 Tahun 2016 tentang Penyandang Disabilitas

- a) Educational pathways are formal, non-formal, and informal
  - b) Types of education are general, vocational, academic, professional, vocational and religious education and
  - c) The level of education is basic, secondary and higher education.
- 2) Implemented in the national education system through inclusive education and special education.  
People with disabilities no longer need to attend special schools. However, attending regular schools with non-disabled students but with a special curriculum that suits the needs of students with disabilities themselves.
- 3) Enrolling children with disabilities in the 12-year compulsory education program
  - 4) Prioritizing children with disabilities to attend school in a location close to where they live.
  - 5) Facilitate persons with disabilities who do not have formal education to obtain basic and secondary education diplomas through the equality program.
  - 6) Provide scholarships for outstanding students with disabilities whose parents cannot afford to pay for their education.
  - 7) Provide education costs for children with disabilities who cannot afford their education.
  - 8) Facilitating disability service units to support the delivery of inclusive education at primary and secondary levels<sup>17</sup>.
  - 9) Facilitating educational institutions in providing proper accommodation<sup>18</sup>.

The central government and local governments in organizing and/or facilitating inclusive education and special education as referred to in Article 40 (paragraph) 2 are obligated to facilitate persons with disabilities to learn the basic skills needed for independence and full participation in education and social development. These skills include<sup>19</sup>:

- a. Braille writing and reading skills for people with visual impairments. It takes textbooks in general but specifically in Braille and educators who master Braille so that people with visual impairments can read and be like children in general.
- b. Orientation and mobility skills
- c. Support and guidance system skills for people with disabilities
- d. Communication skills in augmentative and alternative forms, means and formats, and
- e. Sign language skills (including Indonesian sign language or Bisindo) and the promotion of the linguistic identity of the disabled community.

This is in accordance with the standards for human rights for persons with disabilities in fulfilling their education rights, as previously stated in the Convention on the Rights of Persons with Disabilities in article 24 of the Education section.

The Disability service unit serves to<sup>20</sup>:

- a. Improving the competence of educators and education staff in regular schools in dealing with students with disabilities.

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<sup>17</sup> Pasal 42 (ayat) 1 Undang-Undang No 8 Tahun 2016 tentang Penyandang Disabilitas

<sup>18</sup> Pasal 43 (ayat) 1 Undang-Undang No 8 Tahun 2016 tentang Penyandang Disabilitas

<sup>19</sup> Pasal 41 (ayat) 2 Undang-Undang No 8 Tahun 2016 tentang Penyandang Disabilitas

<sup>20</sup> Pasal 42 (ayat) 2 Undang-Undang No 8 Tahun 2016 tentang Penyandang Disabilitas

Accepting Persons with Disabilities as educators with sign language or braille qualifications, as well as providing training to educators to be able to master braille and/or sign language.

- b. Provide assistance to students with disabilities to support the smooth learning process. Special and more treatment is needed for students with disabilities without any subtle or hard discrimination or rejection, so that students with disabilities will feel safe and comfortable during learning activities.
- c. Developing compensatory programs  
Compensatory services are intended to facilitate children who experience obstacles in certain aspects, such as blind or deaf disabilities. For example, the loss of visual function is compensated for the tactile function, namely writing in Braille. Then the loss of hearing function is compensated for visual function, namely by speaking sign language
- d. Provide learning media and tools needed by students with disabilities.
- e. Conduct early detection and early intervention for students and prospective students with disabilities
- f. Providing data and information on disability  
Every educator or teaching staff is required to know and study the various types of persons with disabilities, as stated in Article 4 of Law Number 8 of 2016 concerning Persons with Disabilities. The variety of persons with disabilities includes, physical disabilities, intellectual disabilities, mental disabilities and or sensory disabilities. And how to learn the right way for the 4 varieties.
- g. Provide consulting services
- h. Develop cooperation with other parties or institutions in an effort to improve the quality of education for students with disabilities.

Every higher education provider is obliged to facilitate the establishment of a Disability Service Unit that functions to provide:<sup>21</sup>:

- a. Improving the competence of educators and education personnel in higher education in dealing with students with disabilities.
- b. Coordinate every work unit in the university in meeting the special needs of students with disabilities.
- c. Supervise and evaluate the implementation of appropriate accommodation.
- d. Providing counseling services to students with disabilities
- e. Conduct early detection for students with indicated disabilities
- f. Referring students with indicated disabilities to doctors, psychologists, or psychiatrists; and
- g. Provide socialization of disability understanding and inclusive education system to education staff educators and teaching participants.

Provision and improvement of the competence of educators and education staff in dealing with students with disabilities is carried out through certain programs and or activities, including training, scholarships for study assignments, teacher certification, appointment of educators and special education personnel, as well as other types of programs or activities.

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<sup>21</sup> Pasal 42 (ayat) 2 dan 3 Undang-Undang No 8 Tahun 2016 tentang Penyandang Disabilitas

The government and local governments facilitate the establishment of a Disability Service Unit in Higher Education. Higher education providers who do not form a Disability Service Unit are subject to administrative sanctions in the form of:

- a. Written warning
- b. Cessation of educational activities
- c. Suspension of licenses for education providers and
- d. Revocation of licenses for education providers.

So that with the existence of Law Number 8 of 2016 concerning Persons with Disabilities in the world of education, people with disabilities get equality for education to go to school in regular schools with non-disabled students. People with Disabilities should not be ostracized anymore, with the separation of existing schools. For example, there are special schools for people with disabilities. How can people with disabilities experience the same education as other people in general, while they have always been cornered by government policies so far, when in fact what people with disabilities need is an adjustment of the education curriculum for themselves, and not different schools. Because this will make them increasingly isolated in their social life where they cannot interact with the wider community.

#### **a) Accessibility of Persons with Disabilities in Education**

To fulfill their right to education in order to achieve Equal Opportunity, Accessibility is an important thing in realizing equal opportunities in all aspects of life and livelihood. Accessibility is the facility provided for persons with disabilities in order to realize equal opportunities in aspects of life and livelihood. Guarantees of accessibility for persons with disabilities are stated in Article 18 of Law Number 8 of 2016 concerning Persons with Disabilities.

Accessibility rights for persons with disabilities include the right to get accessibility to take advantage of public facilities and to get proper accommodation as a form of accessibility for individuals.<sup>22</sup>

Mandatory measures include the identification and elimination of obstacles and barriers to accessibility, to buildings, roads, transportation facilities, and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces. Information, communications and other services, including electronic services and emergency services.

Accessibility in question is through infrastructure. The government and local governments are obliged to guarantee infrastructure that is easily accessible to persons with disabilities. Infrastructure that is easily accessible by persons with disabilities includes buildings, in this case, elementary school to university education buildings. Buildings that are easily accessed by persons with disabilities have a function, one of which is social and cultural<sup>23</sup>

Social and cultural functions are buildings that have the main function as a place to carry out social and cultural activities which include buildings for education, culture, health services, laboratories, and public services. In Law Number 8 of 2016 concerning Persons with Disabilities regarding buildings that are easily accessible by persons with

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<sup>22</sup> Pasal 18 (ayat) 1, 2 Undang-Undang Nomor 8 Tahun 2016 tentang Penyandang Disabilitas

<sup>23</sup> Pasal 98 (ayat) 1 Undang-Undang No 8 Tahun 2016 tentang Penyandang Disabilitas

disabilities must be equipped with facilities and accessibility by considering the needs, function area, and height of the building in accordance with the laws and regulations.<sup>24</sup>

The government and local governments are required to include the availability of facilities that are easily accessible to persons with disabilities as one of the requirements in the application for a building permit<sup>25</sup>.

Clear and firm arrangements in the laws and regulations mentioned above in providing accessibility to persons with disabilities in Indonesia have not yet been fully realized. This can be seen in the many infrastructures in Indonesia that cannot be used by people with physical disabilities, for example sidewalks that can only be used by people who have two legs. How can a person who has a physical disorder get an education if there are no supporting facilities for him. If we understand more, there is nothing that distinguishes one human from another, even though he has physical abnormalities. This will relate to the public service system for persons with disabilities.

#### **b) Public Services for Disabilities**

The right to public services for persons with disabilities includes the right to<sup>26</sup>:

- a. Obtaining proper accommodation in public services in an optimal, reasonable and dignified manner without discrimination; and
- b. Assistance, translation, and provision of easily accessible facilities at public service places without additional costs, including media tools, facilities and infrastructure.

Public service delivery units at government and regional agencies including State-Owned Enterprises and Regional-Owned Enterprises are required to make efforts to provide facilities and infrastructure needed by persons with disabilities in the context of administering a public service and to provide special access in the form of facilities and infrastructure services. The facilities provided need to be adapted to the needs of people with disabilities, such as:

- a. Special paths/stairs for wheelchair users;
- b. Special counters and officers for persons with disabilities;
- c. Special toilets for people with disabilities.

Provision of public facilities and infrastructure, strived to be able to accommodate the needs of people with disabilities, especially for the blind, such as:

- a. Sidewalks with special signs;
- b. Crossing the road with special signs;

Special facilities on public transportation (buses, trains, ships, ferry boats and airplanes). The provision of information about the services provided, including procedures, requirements, service time, service fees and others, is sought to be accessible to people with disabilities, especially for the visually impaired by providing, among other things:

- a. Information officer who explains about the things provided with the service in question
- b. Efforts to provide information in braille.

The implementation of the fulfillment of public service rights for persons with disabilities is carried out as follows:

The Government and Regional Governments have the following obligations:

<sup>24</sup> Pasal 98 (ayat) 2 Undang-Undang No 8 Tahun 2016 tentang Penyandang Disabilitas

<sup>25</sup> Pasal 99 (ayat) 1 Undang-Undang No 8 Tahun 2016 tentang Penyandang Disabilitas

<sup>26</sup> Pasal 19 Undang-Undang No 8 Tahun 2016 tentang Penyandang Disabilitas

- a. Provide public services that are easily accessible to persons with disabilities in accordance with the provisions of laws and regulations, including public transportation services. Public services that are easily accessible are provided by state administrative institutions, corporations, independent institutions established by law for public service activities, and other legal entities established for public services. Funding for Public Services for Persons with Disabilities comes from: State Revenue and Expenditure Budget; regional expenditure budget and revenue; and/or the budget of the corporation or legal entity that provides public services<sup>27</sup>
- b. Disseminate and socialize public services that are easily accessible to persons with disabilities and the community. Public service providers are required to provide guidelines for public services that are easily accessible to persons with disabilities<sup>28</sup>. Further provisions regarding public services that are easily accessible to persons with disabilities are regulated by government regulations<sup>29</sup>

## **E. Conclusion**

The 1945 Constitution after the amendment included Human Rights in a separate Article Section as a manifestation of the reform mandate, namely the enforcement of human rights in Indonesia. The 1945 Constitution clearly and unequivocally states that every citizen has the right to education without exception. The 1945 Constitution guarantees in each of its articles that every citizen has the right to get facilities and special treatment to obtain equal opportunities and benefits in order to achieve equality and justice, so that welfare will be formed for all citizens, have the right to protection from violence and discrimination. .

Law Number 8 of 2016 concerning Persons with Disabilities sees people with disabilities not based on charity (Charity based) but Disability is a concept that develops dynamically and changes the concept that disabilities only need assistance, but more than that, that people with disabilities also have their rights as a human being. Efforts to prioritize persons with disabilities in empowerment both in the fields of education and work as well as other aspects of life must be further improved. Law Number 8 of 2016 concerning Persons with Disabilities regulates the right to education for persons with disabilities, providing an understanding that Persons with Disabilities need certain treatment, treatment certain facilities,

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<sup>27</sup> Pasal 105 Undang-Undang No 8 Tahun 2016 tentang Penyandang Disabilitas

<sup>28</sup> Pasal 106 Undang-Undang No 8 Tahun 2016 tentang Penyandang Disabilitas

<sup>29</sup> Pasal 108 Undang-Undang No 8 Tahun 2016 tentang Penyandang Disabilitas

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### Document

- Naskah Akademik Undang-Undang Disabilitas  
Konveksi Hak-Hak Penyandang Disabilitas (*Convention on the Rights of  
Disabilities*)

### Laws and regulations

- Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 beserta amandemennya;  
Undang-Undang Nomor 4 Tahun 1997 tentang Penyandang Cacat  
Undang-Undang Nomor 39 Tahun 1999 tentang Hak Asasi Manusia;  
Undang-Undang Nomor 19 Tahun 2011 tentang Pengesahan Convention on the rights of  
Persons with disabilities (Konveksi Hak Hak Penyandang Disabilitas)  
Undang-Undang Nomor 8 Tahun 2016 tentang Penyandang Disabilittas

### Journal Articles

- Elviabdri, Khuzdaifah Dimiyati, Dan Absori “QUO Vadis Negara Kesejahteraan: Meneguhkan Ideologi Welfare State Negara Hukum Kesejahteraan Indonesia” *Jurnal Hukum Fakultas Hukum Universitas Muhamadiyyah Surakarta*. (2009)
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