



# The Fulfillment of Human Rights of Disabled Person in Surabaya City

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**Abstract.** The Indonesian government's real commitment to realizing Human Rights for its citizens is contained in Presidential Regulation Number 53 of 2021 concerning the National Action Plan for Human Rights (RANHAM) with four focus groups, including children, women, persons with disabilities, and indigenous peoples. Among the four target groups, people with disabilities should be paid more attention to. It is recorded that the number of people with disabilities in the city of Surabaya has increased since the last three years starting from 2018 the number has increased rapidly until now. The increasing number of persons with disabilities is a challenge to fulfill the political civil service, especially the right to employment. Currently, the implementation of worker quotas for persons with U.S. disabilities within the scope of the government, state-owned and regional enterprises and the private sector is minimal. With the focus on the implementation of RANHAM and the existence of reports from every line of central and regional institutions related to RANHAM as special reports not routine, it is hoped that the process of exercising the right to work for persons with disabilities can be fulfilled. The research method used is sociolegal research with a descriptive qualitative approach and literature studies. As a result, the fulfillment of the right to work in the City of Surabaya has not been optimal and the legal rules that regulate it in the form of Regional Regulations do not yet exist as a derivative of the Presidential Regulation.

**Keywords:** Human Rights · RANHAM · Persons with Disabilities · Employment Rights

## 1 Introduction

Indonesia is a country of law that has clearly stated in Article 1 Paragraph (3) of the 1945 NRI Constitution (Constitution of the Republic of Indonesia). As a country of law, it is certainly closely related to the protection and fulfillment of Human Rights or commonly abbreviated as human rights. Human rights have a meaning as rights that are inherent in nature since humans are born which are essential, universal, inalienable, and indivisible and indivisible so that each human being is obliged to protect and respect human rights for himself and others. The Constitution of the Republic of Indonesia has directly regulated and contained statements regarding human rights, namely in Article

28 A-J of the 1945 NRI Constitution and in the Laws Number 39 of 1999 concerning Human Rights. Indonesia, apart from being a country of law, also adheres to a democratic system, which directly indicates a high respect for the rights of individuals and groups.

The concept of human rights that is, everything is considered equal and not discriminated against starting from the social status, knowledge, appearance and even ability of each human being is considered as an equal thing and deserves to be obtained without any discrimination, including for persons with disabilities. Based on data from the 2019 National Socio Economic Survey (Susenas), the number of people with disabilities in Indonesia is 9.7 percent of the total population, or around 26 million people [1]. Of course, this number is not small and should be able to encourage the government to focus more on paying attention to persons with disabilities, especially on fulfilling their rights. But in fact, even though the Constitution of the Republic of Indonesia in Article 28H Paragraph (2) has expressly guaranteed and regulated human rights for persons with disabilities, it turns out that there is still discrimination against persons with disabilities, both in terms of access to the fulfillment of public services, access to education, access to health, and even access to work.

The discussion about disability will certainly always be closely related to disability, where both have almost the same meaning and are often even considered the same by most people. Although between disability and disability means that they both describe a person's limitations both physically and mentally in carrying out certain activities, it turns out that basically between Disability and disability has differences. In the Laws About Persons with Disabilities [2] it is stated that disability or what is usually called a person with disabilities is any person who has physical, intellectual, mental and/or sensory limitations for a long period of time so that in interacting with his environment experience obstacles and difficulties. While the meaning of disability which stands for English "different ability" which means different ability is defined as someone who could carry out their activities but there are differences when compared to people in general. So, it can be interpreted that people with disabilities are certainly also disabled, but disabilities do not necessarily make them people with disabilities. The word 'disability', which used to be used in the Law on Persons with Disabilities [3] as a word that means the same as disability/disability, has now been abolished because it is considered to have negative connotations that seem less empowered and detrimental to people with disabilities. Over time, the word 'disability' began to be replaced with the word disability which was considered more polite and friendly. Although generally a person with limited abilities both physically, intellectually, mentally and/or sensory is commonly referred to as disability or disability, but in the legal basis the standard word used is only the word disability, while the word disability is more used in everyday mentions in the public [4].

As a guideline for the Indonesian government to uphold and improve the implementation of human rights in Indonesia, a National Action Plan for Human Rights (RANHAM) was prepared in 2015 which was then followed up with the implementation of RANHAM in 2015–2019 through various programs to strengthen the implementation of human rights in Indonesia. Through Presidential Regulation No. 53 of 2021 concerning RANHAM for the period 2021–2025 as a guide for government related to human rights. In the Human Rights Nap, persons with disabilities are included in four vulnerable groups that are the focus besides women, children, and indigenous groups. The designation of

persons with disabilities as a vulnerable group for human rights violations has shown that the fulfillment of human rights in Indonesia, especially for persons with disabilities, is still very minimal and urgently needs to be improved in the future, especially considering the number of persons with disabilities that are not small and spread in various regions in Indonesia, including in the city of Surabaya. It is recorded that the number of people with disabilities in the city of Surabaya has increased since the last three years starting from 2018 amounting to 8,671 people, then in 2019 it amounted to 8969 people and in 2020 the number increased rapidly, reaching 9,852 people [No. 4].

Of course, in various regions in the city of Surabaya, there will always be people with disabilities with all their limitations both in terms of physical, mental and so on, which should be used as a motivation for the Surabaya city government, especially to increasingly show its seriousness in fulfilling human rights for people with disabilities in order to improve welfare that is more equitable and widely felt for all circles, termasuk people with disabilities. The NAP ham should be implemented through policies both through Regional Regulations (Perda) and Mayor's Regulations (Perwali) as well as through the implementation of human rights actions by the Surabaya city government by forming a team that is tasked and responsible in handling the fulfillment of human rights for four vulnerable groups such as those in RANHAM including persons with disabilities.

Broadly speaking, the Surabaya city government has made efforts through regulations that have been issued by the Surabaya city government related to the fulfillment of the rights of persons with disabilities, namely the Decree of the Mayor of Surabaya Number: 188.45/79/436.1.2/2019 concerning the Facilitation Team for Inclusive Education Providers, Open Schools and Disability Service Units in the City of Surabaya [5], which normatively gives the right of disabilities to obtain formal education services in nearby public schools that open up opportunities for children with disabilities in Surabaya. Furthermore, there is Article 14 paragraph (2) of the Surabaya City Regional Regulation Number of 2012 concerning the Implementation of Social Welfare [6] related to providing accessibility for persons with disabilities in physical form or infrastructure and the provision of non-physical services divided by type of needs in order to be able to empower people with disabilities more optimally as needed and Ability.

But it is unfortunate, because the legal products related to human rights for persons with disabilities issued by the Government of Surabaya city in its implementation have not been able to run perfectly and ultimately have an impact on the still encounter of the rights of persons with disabilities being violated. In fact, in the Law on disability, it has been clearly stated in the consideration letter (c) that to realize equal rights and equal opportunities for persons with disabilities towards a prosperous, independent, and non-discriminatory life, laws and regulations are required that can guarantee its implementation. The paradigm of society towards people with disabilities is often likened to medical and social incapacity so that people with disabilities are always considered as sick and need help, which in turn has a great influence on the fulfillment of daily disability rights, regardless of existing legal products. This research then becomes interesting to do considering that the fulfillment of human rights is something fundamental for every human being regardless of any differences and to know about the extent to which the

actualization of government regulations is associated with the Human Rights Nap in the City of Surabaya.

## 2 Method

This research is of the sociolegal type that uses textual studies, where the articles in the laws and regulations and policies related to the protection of human rights for persons with disabilities, especially in the city of Surabaya, are analyzed critically by referring to the NAPHAM. This research uses a qualitative approach with a descriptive research design aimed at describing a phenomenon by studying regularly and prioritizing objectivity from those carefully studied. The data collection technique in this study was carried out through documentation, in-depth interviews with related parties, in this case the Social Service (Dinsos) and the Regional Office of the Minister of Law and Human Rights (Kanwilcumham) as government institutions that are considered to have links and authority over the implementation of human rights fulfillment policies for persons with disabilities. There are two types of data that will be used in this study, namely primary data and secondary data collected to be analyzed in depth to answer the problem formulation. Primary research data in the form of; basic norms, laws, and regulations, especially those related to the protection of human rights for persons with disabilities. In addition, primary data are also obtained through informants. Meanwhile, secondary data obtained from literature books, legal research reports, namely written/scientific works related to the problems discussed in relation to implemented fulfillment of the right to work for persons with disabilities in the city of Surabaya.

## 3 Result and Discussion

### 3.1 Disability and the National Action Plan for Human Rights

Disability is a synonym for someone with a disability, the acronym for the word disability is Different Ability, or Different Ability People [7]. The term disability entered Indonesia in 1998, the term disability is often used to refer to someone who has a physical disorder, or euphemism, which is a term for someone with a disability. The meaning of the term disability has always been associated with a person who does not have the ability to perform certain activities. Disabilities are classified into several types, including physical disabilities, namely a person with a disability who has limitations for the sufferer to perform a certain action because the physique of himself is slightly different from that of normal humans in general. Furthermore, sensory disabilities are disabilities that have hearing loss or visual impairment.

According to the Demographic Institute of the University of Indonesia on research data on disabilities in Indonesia in 2014, there are eight terms used by Indonesians to interpret the classification of disabilities [8]. The classification includes people with disabilities, people in a state of physical and spiritual deprivation, the blind, people who are disturbed or have lost the ability to maintain their lives, people with disabilities, people with physical, emotional, mental, intellectual, and/or social disorders, children with special needs (extraordinary children), and people with disabilities. As a result of their

limitations, many other normal societies discriminate against persons with disabilities. Discrimination committed by society to persons with disabilities is motivated by societal stigma towards persons with disabilities. The impact of the circulation of negative stigma to people with disabilities will have an impact on the social structure of society for people with disabilities. It is undeniable that in social life, society has a structure that has an impact on the social position of society. This position corresponds to the value of the offer given by each person in his contribution to the life of the community. With this, a person who can make many contributions to the life of society both in the form of thinking, material, and power will be more respected when compared to someone who has a freedom in all these things as well as people with disabilities.

Persons with disabilities are part of the group of persons with social welfare (PKMS). PKMS is a community group that often receives discrimination, neglect, and exclusion from others. As a result of the negative treatment they receive, PKMS will become a less empowered individual if they must deal with other individuals in social life. They will find it difficult to carry out their role in the life of society, with this their social functioning in the sphere of society will be increasingly marginalized and not cared about by society. discrimination obtained by persons with disabilities is not only in the form of reproach, exclusion, and physical violence. However, discrimination against persons with disabilities can also be seen from the readiness of the state to provide adequate facilities for persons with disabilities so that all their rights and limitations can be facilitated, and they can interact and live a normal life like normal humans in general. The readiness of the state as referred to is the existence of educational facilities, health, decent work, and mobility to disabilities so that they can feel and carry out all social interactions as normal human beings in general. Discrimination is a negative action that can have an impact on division as well as weaken the social status of others, the reason is that the act of discrimination is an act carried out by a group of majority people to a person or to a minority group due to differences between the two. Discrimination against persons with disabilities in any form is still a discriminatory *tanpa view* how the form of criminalization is whether in the form of acts of exclusion, insults, physical violence and so on.

In accordance with Article 7 of the Law of the Republic of Indonesia, Law Number 8 of 2016 concerning Persons with Disabilities explains that persons with disabilities have the right to be free from stigma including the right to be free from harassment, humiliation, and negative labeling related to the condition of their disability and is different from normal humans in general. If we rely on the rules as explained above, then it is appropriate for people with disabilities to no longer must worry about obtaining avoidance from others to degrade their dignity and dignity. However, the existing reality is not entirely in line with the expectations of the law. In practice, there are still many normal people who insult people with disabilities, even indifferent. Furthermore, in the world of work, many people with disabilities cannot channel the talents of interest they have to go down in the world of work. This is against the backdrop of, there are still few companies that have the awareness to accept people with disabilities as part of them.

Concrete efforts that have been made by the government to minimize the occurrence of discrimination against persons with disabilities are the release of the National Action Plan for Human Rights (RANHAM). In RANHAM people with disabilities belong to

four vulnerable groups whose rights are urgent to facilitate. According to researchers, the rights of persons with disabilities, which until now are urgent to be facilitated for the welfare of persons with disabilities, as well as for the progress of the Indonesian nation and state, is the right to education, namely the right of persons with disabilities to obtain education, both in special schools that accept persons with disabilities and inclusion schools in which there are normal students as well as students with disabilities. Second is political rights, political rights are the right for persons with disabilities to participate in the political process in Indonesia, as well as elections and others. The third is the right to assess the accessibility of public spaces, namely the right of people with disabilities to obtain facilities according to their conditions in public spaces, so that people with disabilities do not find it difficult to interact if they are in public spaces. Finally, the right to obtain a job, this right is the most important right that should be accepted by people with disabilities considering the lack of job opportunities that have been obtained by people with disabilities. To support the sustainability of RANHAM in every region in Indonesia, it is necessary to cooperate with the central government, regions, the private sector, as well as all elements of society in Indonesia. Thus, Article 8 of the Presidential Regulation of the Republic of Indonesia Number 53 of 2021 concerning the National Action Plan for Human Rights for 2021–2025 Paragraphs 1 and 2 states that every community bureaucracy in its territory is obliged to submit a report on the achievement of the implementation of RANHAM to the RANHAM National Committee for every four months to check whether the rights of the four vulnerable groups as referred to have been facilitated or not.

### **3.2 Actualization of the Fulfillment of the Rights of Persons with Disabilities in accordance with the Human Rights Nap in the City of Surabaya**

Persons with disabilities as one of the target groups of the RANHAM in accordance with what is stated in Article 3 of Presidential Regulation No. 53 of 2021 means that persons with disabilities are vulnerable groups that require priority in terms of supervision and fulfillment of human rights. Juxtaposed with women, children and indigenous peoples, people with disabilities are no less positioned as a group that has urgency in terms of protecting rights in their social life. Persons with disabilities who have physical, intellectual, mental and/or sensory limitations to date are mostly still living in vulnerable, retarded, and poor conditions which are caused by obstacles, restrictions, difficulties, and reductions in rights for persons with disabilities themselves. In fact, in its provisions, people with disabilities who have disabilities should have the same rights in achieving welfare as people in general. So, this is where the role of the state becomes important to provide protection and fulfillment of rights for persons with disabilities so that in their daily lives, people with disabilities do not encounter obstacles and problems to lead a prosperous, independent and at the same time without being criminalized from their environment. If there is interference from the state as a whole and seriously to overcome the problem of protection and fulfillment of the rights of persons with disabilities, the goal is to improve the quality of life of persons with disabilities both in education, economy and social.

In article 1 number 2 of Law No. 8 of 2016 concerning persons with disabilities, it is stated about the term equal opportunity which means a condition that provides

opportunities or provides access to persons with disabilities to channel their potential without being constrained in all aspects of state and community administration. In the article, all aspects of the administration of the state and society are related to the scope of rights that should be owned by persons with disabilities such as education, health, the use of information and communication technology, work and even politics or government. The purpose of equal rights and opportunities for persons with disabilities as stated above is to achieve a decent, prosperous life, able to be independent and free from discrimination from the surrounding environment.

Looking at the survey conducted in 11 provinces in Indonesia, it was found that people with disabilities have conditions that are quite concerning in terms of four aspects, namely; education, community acceptance, employment, and social protection [9]. The above condition is further aggravated by the negative stigma from the community regarding people with disabilities who are always considered as weak, helpless and need help at all times, giving rise to the assumption of less pleasant from the surrounding environment, for example 'family burdens', 'fools', 'disabilities' and other curses that further encourage the confidence of people with disabilities to mix and do activities in social. In fact, people with disabilities, both physical and mental, some have tools that can facilitate their daily activities so it is not true that people with disabilities are considered to always trouble others or have a bad impact on their surroundings [10].

In Law Number 8 of 2016, it has been written as many as 22 (twenty-two) rights that must be obtained by persons with disabilities and cannot be violated by others. These rights are the right to life, free from the negative stigma of society, justice and legal protection, privacy, proper education, employment, entrepreneurship, and cooperatives, health, politics, sports, culture and tourism, social welfare, accessibility, public services, protection from disasters, religion, concessions, data collection, living in an independent and engaged in society, habilitation and rehabilitation, free expression, communication, and obtaining as much information as possible, changing places and citizenship, free from discrimination, neglect, torture, and exploitation [11]. Then, for women with disabilities, there is an additional protection of 4 (four) rights in Article 5 paragraph (2) of Law Number 8 of 2016, namely the right to reproductive health, the right to receive or tolerate the use of contraceptives, the right to get more protection from acts of violence, including violence and sexual exploitation, and the right to protection is more than layered discriminatory treatment. For children with disabilities, they get 7 (seven) rights, namely the right to special protection from discrimination, neglect, abuse, exploitation, and sexual violence and crimes; obtaining care and care for a family or surrogate family for optimal growth and development; protected interest in decision-making; humane treatment in accordance with the dignity and rights of the child; fulfillment of 44 special needs; the same treatment as other children to achieve social integration and individual development; and get social assistance.

Of the many rights of persons with disabilities, some rights that are considered basic and have a high urgency to be fulfilled by the government through policies or laws and regulations and real actions in the field and by the general public, especially in the City of Surabaya as a research location are as follows; a) The right to proper education, b) The right to accessibility of public spaces, c) Political rights, d) The right to obtain a decent job and economy.

### 3.2.1 The Right to a Proper Education

Education is one of the very important aspects and is a fundamental right as a human being to develop his knowledge, abilities, and ethics through the learning system in it. Education as one of the determining elements of whether a country advances or not is a direct reflection that education is indeed not something that can be underestimated and should be a basic right for everyone to feel it. In Indonesia itself, the education system starting from the basic, middle to upper levels and even higher education has been arranged in such a way that it can be used as a place to gain knowledge for the next generation of the nation without any differences, including for people with disabilities. Education should be carried out without any discrimination and run democratically which means giving recognition to each student according to the dignity of their dignity by prioritizing tolerance for all existing differences (Putri, Raharju, 2020). For people with disabilities, inclusive education is the solution so that it can provide broad opportunities to obtain quality education that is tailored to the conditions, needs and abilities of students with disabilities, both physical, mental, emotional, and social and at the same time as a form of education that is appreciative, non-discriminatory for all students.

The City of Surabaya has started the practice of inclusive education in 2009 as stated in the Surabaya City Regional Regulation Number 16 of 2012 concerning the Implementation of Education, where article 53 (2) states that formal special education for students with special needs is held through SLB or inclusive classes that are adjusted to the level of education. Tri Rismamaharini as the Mayor of Surabaya at that time focused on inclusive education at the primary and secondary levels, in total until now there are approximately 80 inclusive schools spread across the city of Surabaya, both public and private [9]. Although it seems that there are quite a lot of inclusive schools, it turns out that these numbers are still not evenly distributed, making it difficult for students who live quite far from school because considering the city of Surabaya as a large and large city.

Various problems that arise from these inclusive schools turn out to be starting from GPK (Special Accompanying Teachers) which play an important role in guiding learning activities in SLB, the number is still felt to be lacking and the need for quality improvement to be better able to handle students. Then the next problem comes from the distribution of aid funds from local and central governments is still not as widely distributed as possible for one reason or another, one of which is the school which is not aware of the existence of the aid fund because of lack of information. No. 10.

Even though there are still some problems in it, as a form of the seriousness of the Surabaya city government in handling inclusion education, the Mayor of Surabaya compiled a facilitation team for the implementation of inclusion education, open schools, and disability service units in the city of Surabaya, where the latest is stated in Kepwali Number 188.45/079/436.1.2/2019 of 2019. The city of Surabaya has officially become one of the cities in Indonesia that is able to realize optimal inclusive education and even make Surabaya a pilot city for other cities in terms of inclusive education. This has been proven through the Inclusion Awards award obtained by the City of Surabaya in 2014 and its participation in the UNESCO Global Network of Learning Cities (GNLC) membership in 2016 which means that the City of Surabaya was awarded as a learning city because it is considered to have been able to manage the monilization of existing



resources in various sectors to promote inclusive learning in it starting from the basic level and even to higher education [No. 9].

### 3.2.2 Right to Accessibility of Public Spaces

People with disabilities as a group that has shortcomings or limitations in daily activities to distinguish them from 'normal' community groups in general, will certainly always need accessibility in helping them carry out activities both in terms of road access, public services, and even accessibility to settlements. All the rights of accessibility that should indeed be obtained by persons with disabilities are not without reason, but as a real effort to equalize the position and position for persons with disabilities so that they are equal and do not overlap with society in general, because considering that people with disabilities are the same and must be upheld for the fulfillment of their rights.

Four principles that can at least provide guarantees regarding the necessity of the fulfillment of the right of access for persons with disabilities, namely as follows [7]:

1. The principle of ease of activity that ensures that everyone can receive convenience in all forms of their activities in public spaces supported by public facilities that facilitate,
2. The principle of the use of buildings where each building has uses and functions intended for the community including people with disabilities by providing facilities and or infrastructure that are disability-friendly,
3. The principle of safety which means that everyone has the right to their own safety supported by public facilities that can ensure safe or suitable standardization for use, especially for people with disabilities,
4. The principle of independence for disabilities which means that every disability can move, reach a place without always needing help from others so in this case the support of tools is prioritized to facilitate its accessibility.

Of all the 4 principles listed above, the four are a series that cannot be separated in an apparent effort to provide the right of accessibility to persons with disabilities. Public space is basically provided by the city government for all its people, both 'normal' and groups with disabilities who have an important role in an urban layout because in public spaces everything can interact with each other. Such is the importance of the role of public space, it is not surprising that public spaces are used as a reference to see the level of welfare of the city community. So, then the role of the government again as a policy maker is very important and determines the extent to which the right of accessibility can be obtained by persons with disabilities.

In the city of Surabaya itself as the largest city in Indonesia, it turns out that the implementation of the right to accessibility in public spaces has not been fully evenly distributed, such as special sidewalk facilities for the blind and blind people which are only found in a few areas such as Darmo, Tunjungan, Bungkul, Gubeng Kertajaya, the surrounding area of the Surabaya City Government Building, Joyoboyo Terminal and several other areas, most of which are in the city center, even though people with disabilities are not only in the city center. In the statutory provisions that can be used as a basis for seeing the extent to which the accessibility rights of persons with disabilities in

the City of Surabaya are fulfilled can be seen through Government Regulation Number 42 of 2020 concerning Accessibility to Settlements, Public Services and Protection from Disasters for Persons with Disabilities, as well as through Surabaya City Regional Regulation No. 2 of 2012 concerning the Implementation of Social Welfare.

In Surabaya City by Law No. 2 of 2012 concerning the Implementation of Social Welfare in Article 14 paragraph (2) contains that the form of physical services for persons with disabilities is in the form of infrastructure in facilitating activities, while the form of non-physical services in the form of rehabilitation is divided based on their needs and abilities to provide training in honing their skills. And other forms of assistance can be in the form of food assistance, health checks, funeral assistance, and clothing assistance for people with disabilities.

Furthermore, regarding the right to accessibility of public spaces, it is regulated in article 12-14 of Regulation of Government Number 43 of 2998 concerning Efforts to Improve Social Welfare for Persons with Disabilities which contains that there are three accessibility in public spaces, namely (1) accessibility in public buildings which include doors, stairs, elevators, parking lots, toilets, danger signal signs; (2) accessibility on public roads that include roads, bus stops or other public vehicles, pedestrian bridges, sidewalks, traffic signs, wheelchair-use special lanes; (3) accessibility in public parks and cemeteries which includes access, parking lots, seating or rest, boarding and disembarkation of public vehicle passengers, toilets and signs. Based on the indicators of the three articles, it can then use 4 factors in determining the extent of the implementation of the right to access public space in the city of Surabaya, namely availability, conditions, accuracy, and constraints.

The availability of accessibility in Surabaya as previously explained, is still uneven in all corners of the city and seems only in the central part of the city with conditions that still need to be reviewed regularly because there are facilities such as accessibility on roads and landscaping that are damaged and poorly maintained so that the principle of accessibility such as providing comfort, convenience and independence is still not fully achieved. Furthermore, the obstacles that are often encountered in terms of fulfilling the right to accessibility for persons with disabilities in the City of Surabaya are in terms of funding, benefits, and insufficient space in providing accessibility to finally cause the fulfillment of the right to accessibility for persons with disabilities in the City of Surabaya is still not implemented optimally.

### **3.2.3 Political Rights**

Indonesia as a democracy is certainly closely related to the equal rights and opportunities by all its citizens to be involved in the government system without any differences and discrimination, including for people with disabilities. Persons with disabilities have the political right to vote and be elected in governance in accordance with what is stated in Article 5 of Law No. 7 of 2017 concerning general elections which contains that qualified persons with disabilities have the same opportunities both as voters, candidates for members of the DPR, candidates for DPD members, even candidates for President and/Vice President as well as election organizers. The whole mentioned above is a right that can be fully obtained and made an option by persons with disabilities if they are

able and able to carry out all the consequences that exist from the duties and authorities of each position.

In addition to the election law, in the Law on Persons with Disabilities No. 8 of 2016 in article 13, article 75, article 76 and article 77 it has been fully stated regarding the political rights for persons with disabilities which include electing political parties that are participants in general elections, participating directly in election activities both presidential and vice-presidential elections, governors, regents/mayors, and even elections for village chiefs. In addition, there are also provisions regarding the role of local governments which are obliged to guarantee equal rights and opportunities for persons with disabilities to choose and be selected in accordance with the previous article through the provision of disability-friendly facilities and the provision of sufficient space and in accordance with the needs and conditions of persons with disabilities.

The city of Surabaya in practice has implemented the political rights of people with disabilities quite well, as evidenced by the percentage of participation of voters with disabilities in elections which is even considered and recorded in detail in the Performance Report of the Regional Election Commission Surabaya City (LKj KPU). LKj KPU is a tangible form of accountability, transparency and budgeting based on performance as well as a form of accountability of the Surabaya City Regional Election Commission to realize the vision, mission and objectives of the organization guided by Regulation of Government No. 29 of 2014 concerning the Government Agency Performance Accountability System. In the LKj KPU, in addition to recording the percentage of voters in general, it also records the percentage of female voters and persons with disabilities, which means that the Surabaya City Government has seriously made efforts to fulfill the political rights of persons with disabilities by fulfilling the needs of facilities and infrastructure during the general elections (Elections) [12]. Although it was stated that the percentage of voters with disabilities in the 2020 Simultaneous Elections was only 54.31% of the set target of 77%.

The limited ability possessed by persons with disabilities encourages the KPU as the organizer of general elections supervised by BAWASLU as an election supervisory body to prepare and condition polling stations (TPS) as friendly as possible by providing adequate access in the form of tools for persons with disabilities, for example special ballot papers that have temple brailes for blind voters, easy accessibility for voters in wheelchairs to be able to get to the voting booths as well as the various ease of access obtained by voters with disabilities. What must be re-evaluated is about the validity of DPT (Daftar Permanent Voters) because there are still quite a lot of people with disabilities in the city of Surabaya who have not registered with DPT so they cannot exercise their voting rights and also about the socialization of elections that are still not on target, especially for people with disabilities [13].

### **3.2.4 The Right to a Decent Job and Economy**

The employment sector and the economy have always been a sensitive enough part to be discussed in any forum or association, including people with disabilities. Article 38 of Law Number 39 of 1999 concerning Human Rights (HAM) has regulated the right to decent and equal employment for every citizen. Reflecting on the law, of course persons with disabilities have the same rights and portions in terms of obtaining a decent job

and livelihood through the economy as stated in Article 11 of the Law on Persons with Disabilities where there are 8 points containing rights related to work, entrepreneurship, and cooperatives for persons with disabilities to achieve decent economic rights. Four of the total rights contained in the article are 1) obtain employment organized by a Government, Local Government, or Private Sector without accepting discrimination; 2) obtaining the same wages and responsibilities as non-disabled work workers; 3) obtaining decent accommodation in employment; 4) fair and dignified job placement and not dismissed on the grounds of disability.

Within the scope of the Indonesian state, discrimination that is often and very visibly accepted by persons with disabilities is work discrimination. According to Vellasquez (2005) employment discrimination is a condition in which a person obtains treatment that does not wear and is more inclined to negative treatment as well as restrictions on rights, differences, exclusions, harassment, and exclusion so as not to cause the person to feel disadvantaged and inhibited in the implementation of the process of activities that he carries out in order to obtain wages or pay [14]. Nonetheless, the Indonesian government has also made optimal efforts to provide guaranteed employment rights to persons with disabilities in Indonesia to obtain employment in large companies in Indonesia. In Article 53 Paragraphs 1 and 2 of Law No. 8 of 2016, it has been explained that the government, local governments, state-owned enterprises, as well as regional-owned enterprises are required to provide employment opportunities for persons with disabilities as much as 2% of the number of employees or workers, and for private companies are required to provide employment opportunities of at least 1% to persons with disabilities from the number of employees or workers. Furthermore, Article 54 Paragraph 1 also says that the government and local governments have an obligation to provide intensive care to private companies that provide employment opportunities for persons with disabilities. The lack of job opportunities for people with disabilities as stated in the legislation indicates that the government is even still providing discrimination that can be felt by persons with disabilities which is then further aggravated by discrimination from society, especially in the world of work, whose impact causes economic decline and is increasingly powerless for people with disabilities with all its limitations.

The Surabaya City Social Service as one of the authorized institutions in addressing the fulfillment of human rights for persons with disabilities through the Head of the HAM Section said that in the city of Surabaya, which in fact has a very large area, there are currently more than 7,000 people with disabilities consisting of various groups, both disabled, blind, deaf, speech impaired and so on, which is undeniable that all people with disabilities still do not get help, especially in terms of work, but for those who are completely displaced and only live alone because they are abandoned by their families, the Social Service voluntarily provides assistance in the form of diverse job training as well as residential facilities and a decent livelihood that aims to develop his skills and abilities to be productive for himself as well as for others. For example, training in making mats, wooden works for stationery containers, painting on canvas, or even making batik fabrics. The program became known as social rehabilitation for people with disabilities. In the staffing of the Surabaya City Social Service itself, it turns out that it employs people with disabilities if they are able and in accordance with the needs to be able to work well.

Then what is still a big obstacle until now is related to the implementation of Article 53 Paragraphs 1 and 2 of Law No. 8 of 2016 as explained in the previous paragraph, where the practice does not seem to work because in the City of Surabaya it is quite rare to find companies that hire employees with disabilities even though in the City of Surabaya there are companies both state-owned and private in very large numbers. So, in fact, until now, people with disabilities are still restricted in access to achieving decent jobs and the economy. From the information recorded on the internet, there are only a few companies in the city of Surabaya that employ people with disabilities, for example PT Surabaya Autocomp Indonesia, PT Kosmetika Global Indonesia (KOSME), PT. Meratus, PT. Telkom Indonesia Persero and other PT or BUMN that do apply the minimum quota according to the article [15].

This is where the role of the government becomes important as a party that monitors and evaluates the extent to which statutory provisions are implemented, because in essence regulations are indeed made as an effort to fulfill human rights for persons with disabilities. If it is then simply ignored, it will be useless and, in the future, there will be no change in a better direction, especially for the welfare of people with disabilities.

### **3.3 Challenges and Opportunities for Human Rights Fulfillment of Persons with Disabilities**

The substance of human rights has been stated in the Constitution of the Republic of Indonesia of 1945 Chapter XA Article 28 A to Article 29J. The existence of this article has proven the commitment of the State of the Republic of Indonesia in providing respect, protection, fulfillment, enforcement, and promotion of human rights in the Indonesian state for every group that often accepts discrimination by other communities. In the 1945 Constitution, Article 28 I paragraph (4) has been stated that the responsibility to provide protection, promotion, enforcement, and fulfillment of human rights is the main state is the government. Furthermore, it is clearer in Article 28J paragraph (1) of the 1945 Constitution, it is also stated that everyone is obliged to pay respect related to the Human Rights belonging to others to create order in the life of society, nation, and state.

A tangible manifestation of the Indonesian government's commitment to handling human rights in Indonesia is also contained in the creation of the Human Rights Action Plan. The Human Rights Action Plan (RANHAM) is contained in the Presidential Regulation of the Republic of Indonesia Number 53 of 2021 concerning RANHAM. The Presidential Regulation contains 4 vulnerable groups that until now have often received discrimination, both discrimination from other communities, private institutions, and from the government. The four vulnerable groups referred to in RANHAM are women, children, persons with disabilities, and indigenous people. RANHAM is a reference for all existing parties, both from ministries, institutions, as well as local governments of regencies/cities and provinces to realize the value of human rights in practice in the field. Before being published through PRESIDENTIAL REGULATION Number 53 of 2021, it turned out that RANHAM had passed several phases. The first phase was in the period 1999–2003, the second phase was the period 2004–2009, the third phase was the period 2011–2014, and the fourth phase was 2015–2019. With the issuance of RANHAM, there have been many achievements in fulfilling human rights for vulnerable groups in Indonesia. These achievements include the issuance of regulations and policies to

provide guarantees for 4 vulnerable groups according to RANHAM, increasing understanding of government officials in order to create progress in human rights protection, human rights instruments implemented and included in the substance of the central and regional governments, the accessibility of persons with disabilities in their participation in the civil, political, economic, and cultural fields. According to [gerakaninklusi.id](http://gerakaninklusi.id) for 4 phases of implementing RANHAM in a row there are several evaluations that become opportunities and challenges for the sustainability of RANHAM. In the implementation aspect, among others: 1) the scope of human rights actions in the previous phase is still too general, so that the implementation of RANHAM has not focused on a group that does need protection to be monitored and evaluated regarding the implementation of RANHAM on its own; 2) RANHAM 5 years is considered to make it difficult for government agencies to accommodate human rights issues that need to be responded to as soon as possible; 3) Human rights action is still a routine program of government agencies; 4) the system of monitoring, evaluating, and reporting human rights actions in the previous phase has not been optimal only limited to administrative procedurals; 5) ranham reporting which is used as a report of the Indonesian state at the UN Human Rights Council, the UN Treaty Agency, and other international human rights forums is considered to be still not optimal. Furthermore, from the aspect of the substance of the RANHAM phase during the previous 4 periods, it was considered not optimal as policies, programs, and regulations that contained respect, protection, development, and promotion of rights for women, children, persons with disabilities, and indigenous groups.

The implementation of RANHAM implementation will also experience challenges. The challenges referred to will focus on the 4 most crucial vulnerable groups to obtain the protection and facilitation of their human rights. This challenge will be even more focused when faced with people with disabilities, the background is that people with disabilities are human beings who are gifted by God, the difference from other normal humans. To respond to this situation, it is necessary to have special treatment to facilitate and provide protection for persons with disabilities. RANHAM's challenges for people with disabilities include (Table 1):

Behind the challenges in implementing RANHAM, there are opportunities for the optimal sustainability of RANHAM for people with disabilities. Namely, the focus of the RANHAM discussion is only on 4 target groups, namely women, children, persons with disabilities, and indigenous peoples. Furthermore, the government also implements Human Rights Action as a special activity outside the routine activities of ministries, institutions, and from provincial and district/city governments to achieve all strategic goals of the implementation of RANHAM. Then, the preparation of monitoring implementation mechanisms must be more systematic and comprehensive so that the achievement of human rights actions can be curtailed as the target to be achieved. Finally, optimizing the implementation of the RANHAM report to become an Indonesian state report to the UN Human Rights Council and others. The objectives of the implementation of RANHAM as perpres Number 53 of 2021 concerning RANHAM include synergizing efforts to respect, protect, fulfill, enforce, and promote human rights implemented by ministries, institutions, and provincial and district/city governments, optimize the

**Table 1.** Target group classification [16]

Target Group Classification	Challenge
Persons with disabilities	The formulation of Law Number 8 of 2016 concerning Persons with Disabilities has not been optimal
	Basic rights services for people with disabilities are still minimal, as are: <ol style="list-style-type: none"> <li>1) Availability and quality of inclusive schools.</li> <li>2) Health services at the first level for persons with disabilities.</li> <li>3) Quota of workers for persons with disabilities both within the government, state-owned and regional enterprises, as well as the private sector.</li> <li>4) Inclusive economic financial services for persons with disabilities.</li> <li>5) Social protection rights for persons with disabilities need to be fulfilled.</li> </ol>
	Disaggregated data across all sectors of government and institutions with disabilities still does not exist
	Decent accommodation and accessibility for persons with disabilities have not been optimally accommodated, especially in the field of. <ol style="list-style-type: none"> <li>1) Land, air, and sea transportation.</li> <li>2) Places of worship; and</li> <li>3) Inclusive justice system</li> </ol>
	Not optimal all fulfillment of rights and services for providing legal assistance for persons with disabilities who face the law

achievement of development goals in realizing human rights principles, and optimize the achievement of fulfillment of rights to all targeted groups in RANHAM.

## 4 Conclusion

The Surabaya City Government in fulfilling the rights for persons with disabilities is arguably still lacking because considering that there is no Regional Regulation that specifically regulates disability rights so that there is very little regulation and transparency for the community in general, lack of supervision and evaluation of the rights of persons with disabilities, and the lack of equitable distribution of persons with disabilities in the city of Surabaya who are fulfilled their rights through assistance from the city government. An example of discrimination that until now has been the most encountered is the lack of persons with disabilities who are accepted in employment, both private, regional, and central companies, even though in Law No. 8 of 2016 concerning Persons with Disabilities it is clearly stated about the minimum quota. The field of work that is closely related to the economic sector cannot be ignored continuously by the government, the Surabaya City government must firmly act and truly accommodate people with disabilities who are able to live a prosperous life through a sufficient economy.

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