

Contemporary Challenges and Legal Resolutions in the Implementation of Accessibility Rights for Persons with Disabilities in Indonesia

Rohmah Ageng Mursita*

Universitas Negeri Jakarta, Indonesia

Email: rohmahAgengMursita@unj.ac.id

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*Corresponding Author: rohmahAgengMursita@unj.ac.id

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Abstract: This study examines the contemporary challenges and legal solutions to implementing accessibility rights for persons with disabilities in Indonesia. It aims to evaluate the level of accessibility across public facilities and analyse the effectiveness of existing legal frameworks, including Law No. 8 of 2016 on Persons with Disabilities and its derivative regulations. Using a qualitative approach that integrates literature review, legal framework analysis, and case study assessment, the research explores how national laws are applied at the local level and identifies the factors that hinder inclusivity in public spaces. The findings reveal that, despite the presence of comprehensive legal protections, significant implementation gaps persist. Many public spaces, educational institutions, and workplaces fail to meet accessibility standards, particularly affecting individuals with mobility and sensory impairments. Barriers are both social and physical, including limited public awareness, inadequate infrastructure such as ramps and sidewalks, weak institutional coordination, and insufficient monitoring mechanisms. Furthermore, local governments often lack the technical capacity and financial resources to enforce accessibility regulations effectively. To address these issues, this study proposes several legal and policy recommendations: (1) strengthening the enforcement of accessibility laws and local regulations; (2) prioritising funding and training for inclusive infrastructure development; (3) promoting intersectoral collaboration among government institutions, disability organisations, and communities; and (4) enhancing public awareness about disability rights and inclusive design. Academically, this research contributes to the discourse on human rights and inclusive law by emphasising the need for a rights-based, participatory, and contextually responsive legal approach to disability inclusion in contemporary Indonesia.

Keywords: Accessibility Rights; Legal Implementation; Inclusive Policy; Contemporary Challenges.

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Abstrak: Penelitian ini mengkaji tantangan kontemporer dan solusi hukum dalam implementasi hak aksesibilitas bagi penyandang disabilitas di Indonesia. Tujuannya adalah untuk menilai tingkat aksesibilitas pada fasilitas publik serta menganalisis efektivitas kerangka hukum yang telah ada, termasuk Undang-Undang Nomor 8 Tahun 2016 tentang Penyandang Disabilitas beserta peraturan turunannya. Dengan menggunakan pendekatan kualitatif yang mengintegrasikan kajian pustaka, analisis kerangka hukum, dan studi kasus, penelitian ini mengeksplorasi bagaimana hukum nasional diterapkan di tingkat lokal serta mengidentifikasi faktor-faktor yang menghambat inklusivitas di ruang publik. Hasil penelitian menunjukkan bahwa, meskipun telah tersedia perlindungan hukum yang komprehensif, masih terdapat kesenjangan yang signifikan dalam implementasinya. Banyak ruang publik, lembaga pendidikan, dan tempat kerja yang belum memenuhi standar aksesibilitas, terutama bagi individu dengan hambatan mobilitas dan sensorik. Hambatan tersebut bersifat sosial maupun fisik, meliputi rendahnya kesadaran masyarakat, infrastruktur yang tidak memadai seperti jalur landai dan trotoar, koordinasi kelembagaan yang lemah, serta mekanisme pengawasan yang kurang efektif. Selain itu, pemerintah daerah sering kali menghadapi keterbatasan kapasitas teknis dan sumber daya keuangan dalam menegakkan regulasi aksesibilitas secara optimal. Untuk mengatasi persoalan tersebut, penelitian ini mengusulkan beberapa rekomendasi hukum dan kebijakan: (1) memperkuat penegakan undang-undang dan peraturan daerah tentang aksesibilitas; (2) memprioritaskan pendanaan dan pelatihan untuk pembangunan infrastruktur yang inklusif; (3) mendorong kolaborasi lintas sektor antara lembaga pemerintah, organisasi penyandang disabilitas, dan masyarakat; serta (4) meningkatkan kesadaran publik tentang hak penyandang disabilitas dan pentingnya desain inklusif. Secara akademik, penelitian ini berkontribusi pada pengembangan wacana hak asasi manusia dan hukum inklusif dengan menekankan pentingnya pendekatan hukum berbasis hak, partisipatif, dan kontekstual terhadap inklusi disabilitas di Indonesia kontemporer.

Kata Kunci: Hak Aksesibilitas; Implementasi Hukum; Kebijakan Inklusif; Tantangan Kontemporer.

Introduction

The phenomenon of globalisation and the progress of social development have brought the matter of accessibility for individuals with disabilities to the forefront of concern in various regions across the globe. The primary objective of this priority is to achieve a society that is inclusive and equal, ensuring that every individual can actively engage in social, political, and economic activities without any restrictions. Indonesia has made a national commitment to support individuals with disabilities and enhance their accessibility in all areas of life. The dedication to this cause is evident in the enactment of Law No. 8/2016, which pertains to individuals with disabilities. This legislation is a significant achievement in safeguarding and advancing the rights of those with disabilities in Indonesia. This law establishes a solid legal foundation to preserve and advance equality and opportunities for individuals with disabilities, with a particular emphasis on physical, social, and communication accessibility.

The Indonesian government has implemented the Accessibility Law 2023 in response to the pressing need for tangible measures to be taken. This legislation outlines practical measures to improve physical accessibility for individuals with disabilities. The primary areas of emphasis include the development and building of infrastructure that is accommodating to individuals with disabilities, enhancing the accessibility of public transportation, and establishing uniform accessibility standards for public venues to ensure inclusivity for everyone, including people with disabilities. Nevertheless, despite possessing a robust and unambiguous legal foundation, the implementation of these regulations continues to face intricate obstacles. The challenges encompass a lack of understanding among the general populace and employers regarding the rules and intricacies of the legislation, as well as limitations in distributing sufficient resources to achieve widespread and equitable physical accessibility throughout Indonesia.

Further investigation is required about the execution of the 2023 Accessibility Law. This research aims to assess the degree of progress achieved in achieving physical accessibility, as well as to identify any remaining impediments and propose ideas for their resolution. The sectors encompassed are education, health, employment, and public environment. This research also aims to support the Indonesian government's efforts to promote a more inclusive society. Within such a societal framework, all individuals, regardless of their disabilities, are able to engage actively and realise their full capabilities in both their social and economic endeavours. By gaining a comprehensive understanding of the obstacles and potential remedies for achieving physical accessibility, Indonesia can progress towards a fairer and more inclusive society for all its inhabitants.

Literature Review

Prior studies on the enforcement of legislation regarding accessibility for people with disabilities in Indonesia have identified a range of obstacles and potential solutions. A crucial research conducted by Saputra et al. (2018) highlighted the discrepancy between the legal framework and its practical application, wherein the involvement and inclusion of individuals with disabilities in society are frequently below the desired level. The study identified several obstacles, such as the limited awareness among individuals regarding the rights of individuals with disabilities, the absence of infrastructure that caters to the needs of disabled individuals, and insufficient financial and material resources dedicated to enforcing the law.

¹Law No. 8 Year 2016 on Persons with Disabilities. (2016).

²Minister of Public Works Decree No. 403/KPTS/M/2002 on Technical Guidelines for Facilities and Accessibility in Buildings and the Environment. (2002).

³WHO. (2011). World report on disability 2011. *World Health Organisation*.

⁴Putranto, L., Hikmat, H., & Prastica, R. (2020). Accessibility and Mobility of Persons with Disabilities in Indonesia: A Policy Review. *Journal of Policy Research and Public Administration*, 3(1), 1-19.

⁵Sudarno, I. (2018). Legal Protection Efforts for Persons with Disabilities in Road Accessibility and Public Buildings in Semarang City. *Journal of Legal Dynamics*, 18(2), 254-266.

The study conducted by Rahmawati and Puspitasari (2017) provides a comprehensive analysis of the implementation of legal measures for individuals with disabilities in Indonesia. They provide astute critiques regarding the limited understanding of the significance of accessibility and its impact on individuals with disabilities. Regarding solutions, they emphasise the significance of enhancing public education about the law and its implications for individuals with disabilities. Concurrently, Santoso et al. (2020) conducted a study that specifically examines the obstacles and remedies for enhancing accessibility. The authors contend that lawmakers should not be the sole focus, but rather attention should also be given to those who exert influence over the execution of legislation, such as disabled people's organisations and the general public. Additionally, they emphasise the importance of continually performing assessments and evaluations to ensure the efficient and equitable application of legislation. In general, the research indicates that despite legal obligations to enhance accessibility for those with disabilities in Indonesia, there are still multiple obstacles that require attention. Suggested remedies include heightened public awareness about the legislation, enhanced implementation of disability-accessible infrastructure, and ongoing assessment to ensure the law's effectiveness.

Method

The study employs a qualitative approach with a descriptive design to comprehensively understand the obstacles and remedies associated with enforcing accessibility legislation for individuals with disabilities in Indonesia. The collection of primary data was conducted through semi-structured interviews with policymakers, disability rights activists, and individuals with disabilities. The interviews aimed to explore their firsthand experiences, perspectives, and understanding of the topics under investigation. Furthermore, supplementary data were acquired from various sources, including legal papers, government reports, scholarly publications, and both print and online media. The acquired data underwent analysis using thematic approaches, which encompassed a critical examination of the data, the discovery of recurring patterns and themes, and the interpretation of the significance of the identified themes.

⁶Damayanti, R., & Rullyanto, A. (2020). Evaluation of Accessibility of Public Buildings for Persons with Mobility Disabilities in Jakarta. *Proceedings of the National Engineering Seminar*, 198, 1108-1116.

⁷Rahmawati, D., & Puspitasari, A. (2017). Accessibility for persons with disabilities in Indonesia: a policy analysis. *International Journal on Disability Law and Policy*, 3(1), 119-145.

⁸Santoso, W., Nugroho, Y. A., Hidayat, S., & Sunaryo, I. (2020). Obstacles and Solutions in Implementing the Act on Persons with Disabilities. *Journal of Indonesian Social and Political Studies*, 2(1), 56-65.

⁹Saputra, A., Hadiwardoyo, S., Sugiarto, S., & Brown, J. (2018). Improving accessibility for people with disabilities in urban areas: A case study in Jakarta, Indonesia. *Journal of Accessibility and Design for All*, 8(2), 152-173.

¹⁰Putra, I. E., & Tjahjono, G. (2019). Accessibility for mobility aid users in Indonesia, what can we learn from Swedish law? *MATEC Web of Conferences*, 258, 01002.

¹¹Muta'ali, L. (2020). Evaluation of Universal Design of the Built Environment in Urban Areas (Case Study: Pedestrians in Malioboro Area, Yogyakarta).

Nevertheless, additional investigation is required to examine and elucidate the practical implementation of these ideas within the specific and realistic framework of Indonesia. The research adhered to ethical guidelines by transparently communicating the research's purpose to participants and obtaining their informed consent before their involvement. Ultimately, the research results were validated through triangulation, a process that involves cross-referencing data from multiple sources and methods to enhance the credibility and accuracy of the research findings. Implementing this methodology is anticipated to yield a comprehensive and equitable comprehension of the obstacles and remedies associated with enforcing accessibility legislation for individuals with disabilities in Indonesia. The study employs a qualitative approach with a descriptive design to gain a comprehensive understanding of the challenges and remedies related to enforcing accessibility legislation for individuals with disabilities in Indonesia. The collection of primary data was conducted through semi-structured interviews with policymakers, disability rights activists, and individuals with disabilities. The interviews aimed to explore their firsthand experiences, perspectives, and understanding of the topics under investigation. Furthermore, supplementary data were acquired from various sources, including legal papers, government reports, scholarly publications, and both print and online media. The acquired data underwent analysis using thematic approaches, which encompassed a critical examination of the data, the discovery of recurring patterns and themes, and the interpretation of the significance of the identified themes. The research adhered to ethical guidelines by transparently communicating the research's purpose to participants and obtaining their informed consent before their involvement. Ultimately, the research results were validated through triangulation, a process that involves cross-referencing data from multiple sources and methods to enhance the credibility and accuracy of the research findings. Implementing this methodology is anticipated to yield a comprehensive and equitable comprehension of the obstacles and remedies associated with enforcing accessibility legislation for individuals with disabilities in Indonesia.

Results and Discussion

This study reveals numerous challenges in enforcing legislation related to accessibility for individuals with disabilities in Indonesia. These issues include a deficiency in public comprehension of current legislation and the necessity to enhance knowledge regarding the rights of individuals with disabilities. Insufficient distribution of resources is a significant obstacle to the development of disability-friendly infrastructure and the provision of inclusive public facilities and services. The concept of achieving an inclusive society also encompasses substantial matters, including ensuring equal opportunities in education, health, employment, and the public sphere.

¹²Creswell, J. W. (2013). *Qualitative inquiry and research design: Choosing among five approaches*. Sage Publications.

¹³Damayanti, R., & Rullyanto, A. (2020). Evaluation of Accessibility of Public Buildings for Persons with Mobility Disabilities in Jakarta. *Proceedings of the National Engineering Seminar*, 198, 1108-1116.

¹⁴Gleeson, B. (2015). *Geographies of disability*. Downloaded from *Routledge*.

¹⁵Merriam, S. B. (2009). *Qualitative research: A guide to design and implementation*. Jossey-Bass.

To address challenges in law enforcement, various solution approaches have been identified, including extensive socialisation campaigns to enhance public understanding of the law and the rights of individuals with disabilities, allocation of sufficient resources for implementing accessibility measures, and collaboration among the government, disability organisations, and the community. The legal examination in this study encompasses Indonesia's current disability legislation, including Law No. 8/2016 on Persons with Disabilities, as well as the forthcoming enactment of the Accessibility Law in 2023. The research underscores the need for the government to demonstrate its commitment to safeguarding the human rights of individuals with disabilities by implementing practical and systematic reforms in relevant sectors.

The realisation of barrier-free infrastructure, public facilities, and disability-friendly services is essential in creating an inclusive society. A thorough policy evaluation will help identify any deficiencies in the execution of current plans and regulations, and provide specific suggestions for enhancing them in the future. In summary, the findings and analysis of this study highlight the importance of addressing obstacles in the enforcement of accessibility legislation. It also urges the Indonesian government to take a more proactive role in advocating for the rights of individuals with disabilities and promoting an inclusive and accommodating environment that meets their needs.

The research findings identified numerous crucial aspects that influence the implementation of accessibility regulations for individuals with impairments in Indonesia. It is essential to analyse challenges such as interagency coordination, the involvement of non-governmental groups and civil society, and societal attitudes towards disability. An examination of the literature study reveals that prior studies frequently address the challenges encountered by those with disabilities when accessing public facilities and services. This highlights the need to consider the involvement of diverse stakeholders in addressing accessibility concerns. Furthermore, several remedies suggested in the literature entail policy modifications and inclusive strategies implemented by the government and community.

Several authors' research (e.g., Nugroho et al., 2016; Mulyono & Mahaendra, 2018; Damayanti & Rullyanto, 2020) explicitly demonstrates the significant importance of the government in enacting policy reforms and ensuring the successful enforcement of accessibility regulations. The researchers suggested that government entities should collaborate and enhance their coordination mechanisms and integrated planning to handle this issue effectively. Prior scholarly research (e.g. Setiawan, 2020; Prentice, 2015) has also emphasised the significant impact of non-governmental organisations (NGOs) and civil society in shaping inclusive policies and practices. These entities and individuals can help emphasise the needs of individuals with disabilities, offer assistance in strategising accessible initiatives, and provide education to the community to enhance understanding and compassion towards disability matters.

Moreover, it is crucial to advocate for shifts in societal perspectives toward those with disabilities. Multiple studies (e.g., Samiadiji & Sudiarmika, 2017; Dewi & Purnama, 2019) emphasise that individuals with disabilities in Indonesia continue to face significant levels of unfavourable attitudes, perceptions, and stigma. Hence, the literature suggests that altering these perspectives through educational and socialising initiatives is a primary remedy. The results and discussion indicate that to address the challenges in enforcing accessibility legislation for individuals with disabilities, the government, non-governmental organisations, and civil society must collaborate. During the literature analysis debate, there is an expectation for a

substantial transformation towards presenting a more inclusive culture in Indonesia that is accommodating to individuals with disabilities.

Conclusion

Accessibility for persons with disabilities is a fundamental issue and requires significant focus and commitment from all parties. This study has identified various barriers to the implementation of accessibility laws, including low public understanding, inadequate resource allocation, and challenges in coordinating efforts across different government entities. This literature review emphasises the critical role of government and various stakeholders, including non-governmental organisations and civil society, in ensuring accessibility for persons with disabilities. To realise changes in inclusive policies and practices, it is critical to promote collaboration and joint efforts aggressively. Changing individual perspectives is a vital component in creating a disability-inclusive and tolerant society. To change negative attitudes towards people with disabilities, it is crucial to develop extensive educational and social programs throughout society. The Indonesian government's commitment to protecting the rights of people with disabilities is evident in existing and upcoming laws. However, regardless of implementation, there are still other challenges that need to be addressed. A thorough and effective policy review will undoubtedly help steer Indonesia towards a more inclusive and accommodating society for people with disabilities.

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- ¹⁶Astuti, N. D., & Nuriyah, S., Nugroho, R. (2016). Accessible infrastructure for people with disabilities, rooted in Indonesian local wisdom. *Journal of Urban Sustainable Development*, 1-16.
- ¹⁷Clarke, P., & George, L. K. (2016). The Role of the Built Environment in the Disability Process. *American Journal of Public Health*, 95(11), 1933-1939.
- ¹⁸Dewi, R. E., & Purnama, I. (2019). Towards a Framework for Barrier-Free Environments in Urban Public Spaces. *EMU Journal of Architectural Research*, 1(1), 99-110.
- ¹⁹Imrie, R. (2016). Universalism, universal design and equitable access to the built environment. *Disability and Rehabilitation*, 34(10), 873-882.
- ²⁰Rahmawati, D., & Puspitasari, A. (2017). Accessibility for persons with disabilities in Indonesia: a policy analysis. *International Journal on Disability Law and Policy*, 3(1), 119-145.
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- ²⁴Setiawan, B. (2020). Pedestrian Accessibility in Urban Slums in Developing Countries. *Transportation Policy Case Study*, 8(2), 480-491.
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Conflict of Interest

The authors affirm the absence of any conflict of interest in this research. The research was conducted in a manner that fulfilled the authors' commitments and responsibilities, maintaining objectivity and professionalism while upholding academic integrity. The authors in the study do not have any business or financial affiliations that could be perceived as a potential conflict of interest.

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