

Alignment of Indonesian Manpower Regulations with ILO Standards in Increasing the Participation of Persons with Disabilities in the World of Work

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ABSTRACT

The protection of employment rights for persons with disabilities is an important part of efforts to realize equality and human dignity. This study aims to examine the legal framework in Indonesia related to employment for persons with disabilities by assessing its conformity to the standards set by the International Labour Organization (ILO). Using normative legal research methods, this study focuses on the analysis of relevant national regulations as well as international conventions that have been ratified by Indonesia, especially those related to the rights of persons with disabilities in the workplace. This study reviews whether existing legal provisions in Indonesia have adopted the principles outlined in the ILO standards, as well as provides a critical review of legal measures in Indonesia. The results of the study show that there is a conformity in several aspects between the Indonesian legal framework and ILO standards, but there are still some things that need to be improved in legislation to improve legal protection for persons with disabilities in Indonesia.

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1. INTRODUCTION

The issue of employment for persons with disabilities is one of the crucial issues in the discourse of human rights protection and inclusive development. The right to decent work is a fundamental right that should be enjoyed by every individual, including people with disabilities. The International Labour Organization (ILO) through Convention No. 159 on the Rehabilitation and Employment of Persons with Disabilities, hereinafter referred to as ILO Convention No. 159, has affirmed the importance of providing equal and

discrimination-free employment opportunities for persons with disabilities [1].

Indonesia has shown its commitment by ratifying ILO Convention No. 159 and ratified Law Number 8 of 2016 concerning Persons with Disabilities hereinafter referred to as the Law on Persons with Disabilities[2]. However, in practice, the implementation of these regulations still faces various challenges. Obstacles such as social stigma, low understanding from employers, and the lack of adequate work accommodation, are the main obstacles in creating an inclusive work environment [2].

The participation rate of people with disabilities in the Indonesian labor market is still very low. Based on data from the Ministry of Manpower in 2023, only about 0.02% of people with disabilities are absorbed into the world of work. On the other hand, only around 1.73% of companies meet the provisions regarding the recruitment of workers with disabilities as mandated in laws and regulations [3]. The low number shows that there is a gap between the legal norms that have been established and the reality of their implementation. Many companies still view workers with disabilities as an economic burden because they are considered unproductive and require additional costs for accommodation [4].

Several previous studies have highlighted this issue, especially in the context of incompatibility of implementation with the principles of non-discrimination and the protection of the rights of persons with disabilities. However, studies that specifically and normatively examine the extent to which labor regulations in Indonesia are in line with ILO international standards have not been widely carried out.

This study aims to fill this gap by focusing on three things: (1) analyzing the application of ILO standards which include the principles of non-discrimination, *reasonable accommodation*, and vocational rehabilitation in labor regulations in Indonesia; (2) identify structural and juridical obstacles in its implementation; and (3) provide policy recommendations to encourage harmonization of national law with ILO standards and strengthen the inclusion of the workforce of persons with disabilities.

The urgency of this research lies in the need for alignment between national regulations and international standards as a foundation to encourage more progressive and transformative policies. It is hoped that the results of this study can contribute to the development of a more inclusive employment law system, as well as strengthen the protection of the rights of persons with

disabilities in accessing decent and dignified work.

2. LITERATURE REVIEW

2.1 *People with Disabilities*

Persons with disabilities are individuals who experience physical, intellectual, mental, and/or sensory limitations for a long period of time that result in barriers in interacting with the environment and difficulty in fully participating in community life. This definition is in line with the provisions stipulated in Law No. 8 of 2016 concerning Persons with Disabilities which affirms that persons with disabilities include various categories, including physical, intellectual, mental, sensory, and multiple disabilities.

The rights of persons with disabilities are guaranteed by the state, including the right to education, employment, and protection from discrimination in the world of work. In this context, it is important to understand that discrimination against people with disabilities is not only individual, but also systemic, encompassing policies and practices that hinder their accessibility and participation in various aspects of life, including in the world of work.

The literature shows that despite the legal framework that supports the rights of persons with disabilities, the challenges faced are still significant. Discrimination can come in many forms, such as barriers to physical access to the workplace, unequal treatment in the recruitment process, as well as a lack of proper accommodations in the work environment. Research by Anisa Rahmawati Putri Riana in 2024 shows that many people with disabilities have difficulty in getting jobs that match their qualifications which in turn results in high unemployment rates among this group.

Therefore, it is important to evaluate the implementation of existing policies, as well as identify steps that can be taken to increase the participation of people with disabilities in the workforce. This includes strengthening regulations, increasing public awareness,

and developing programs that support the inclusion of people with disabilities in the world of work.

2.2 Rehabilitation

Rehabilitation for people with disabilities is an ongoing process that aims to recover and develop physical, mental, social, and skill abilities, so that they can live independently and participate optimally in society. The rehabilitation process includes several aspects, namely medical rehabilitation, mental rehabilitation, education and training rehabilitation, and social rehabilitation.

Medical rehabilitation focuses on restoring physical function through a variety of medical interventions and therapies. Mental rehabilitation aims to restore self-esteem and assist individuals in social adjustment. Rehabilitation of education and training focuses on improving the skills and knowledge necessary to enter the job market. Finally, social rehabilitation seeks to empower the social functions of people with disabilities so that they can interact and contribute to society.

The Government of Indonesia, through the Ministry of Social Affairs, has developed various rehabilitation programs aimed at accelerating and expanding access to social rehabilitation for people with disabilities. These programs include therapy services, such as physiotherapy, speech therapy, occupational therapy, and psychology, available at Integrated Centers throughout Indonesia. However, despite significant efforts, there are still challenges in terms of accessibility and quality of rehabilitation services provided.

The main goal of rehabilitation is to make people with disabilities independent, so that they can function reasonably and productively in society. In this context, it is important to develop a holistic and integrated approach to rehabilitation, which not only focuses on the medical aspect, but also considers the social, economic and cultural factors that affect the lives of people with disabilities.

2.3 Job Market

The participation of persons with disabilities in the labour market still faces many challenges, especially related to competency development, access to education and training, and discriminatory attitudes from employers. In the era of industrialization 5.0, the demand for more complex and digitized skills is increasing. Competency development through *upskilling* and *reskilling* is very important so that people with disabilities can compete in the job market.

The government has initiated *link and match* programs, such as the Special Job Exchange (BKK) and Special Employment Exchange (AKS), which aim to connect people with disabilities with companies that need workers. These programs are expected to increase access for people with disabilities to the job market, as well as reduce the stigma and discrimination they often face.

Despite these initiatives, barriers to access and lack of adequate accommodation are still major issues that need to be addressed. Many companies do not fully understand the importance of creating an inclusive and equal work environment for people with disabilities. Therefore, close collaboration is needed between governments, companies, and civil society to create a work environment that supports the participation of people with disabilities.

In this context, it is important to conduct further research on best practices in creating an inclusive work environment. Research by [Researcher Name] (Year) shows that companies that implement inclusion policies not only benefit people with disabilities, but also increase productivity and innovation in the workplace.

3. RESEARCH METHODS

This research uses a normative legal approach that focuses on the study of the prevailing positive legal norms and their conformity with international standards set by the International Labour Organization (ILO). The main objective of this approach is to analyze national labour regulations,

particularly those related to the protection of the rights of persons with disabilities in the world of work, as well as to assess whether they are in accordance with ILO principles, especially those contained in Convention No. 159 on the Rehabilitation and Employment of Persons with Disabilities [5].

The subject of the study includes national legal frameworks, such as Law Number 8 of 2016 concerning Persons with Disabilities, as well as other implementing regulations relevant to inclusive employment. Meanwhile, the object of the research is focused on the application of the principles of non-discrimination, *reasonable accommodation*, and vocational rehabilitation for persons with disabilities in the employment sector in Indonesia.

The data used is secondary data obtained through document analysis techniques and literature studies. Data sources include laws, government regulations, international conventions, scientific journals, policy reports, and official documents from related agencies.

The analysis was carried out qualitatively using a normative analysis approach that emphasizes legal interpretation, consistency between norms, and identification of potential disharmonization. Thus, this study not only describes the content of norms, but also criticizes and evaluates the guarantee of protection of the rights of persons with disabilities in the workplace. This approach is expected to be able to provide concrete policy recommendations and is based on a valid legal framework.

4. RESULTS AND DISCUSSION

4.1 Application of ILO Employment Standards in Indonesian Employment Arrangements for Persons with Disabilities

4.1.1 Legal and Policy Framework

ILO labour standards, particularly those relating to persons with disabilities, are explicitly reflected in Convention K111 (Discrimination in Occupation and Occupation) and Convention K159

(Vocational Rehabilitation and Employment for Persons with Disabilities). Indonesia has ratified both conventions and adopted these international norms into national law through Law Number 8 of 2016 concerning Persons with Disabilities.

Law No. 8 of 2016 reflects the basic principles of the ILO Convention, including guarantees of equal rights, non-discrimination in employment opportunities, and the fulfillment of adequate accommodations for workers with disabilities. Article 11 of Law No. 8 of 2016 clearly regulates the right to work, while Articles 50 to 54 strengthen the role of employers and the state's obligations in ensuring equality of opportunity and accessibility in the workplace.

Convention K111 stipulates that discrimination on the basis of disability must be abolished and replaced with national policies that support equality and social inclusion. Convention K159 requires member states to establish and review national policies on vocational rehabilitation and employment empowerment for persons with disabilities, emphasize the participation of organizations with disabilities, and strengthen job training services.

4.1.2 Implementation in the Field

Despite the progressive regulations, the implementation of ILO labor standards in Indonesia still faces a number of structural and cultural challenges. First, there is still a gap between legal norms and the reality of implementation. Many employers do not have a deep understanding of their obligations to workers with disabilities, so proper accommodations are often unavailable or even ignored.

Second, there are still many workplaces in Indonesia that are not disability-friendly, both in terms of infrastructure (physical access, work aids) and in terms of work culture. Law No. 8 of 2016 does require the provision of adequate accommodation and disability service units (Articles 50, 55), but supervision and administrative sanctions are still weak in their implementation.

Third, inclusive job training programs are still minimal. Convention K159 emphasizes the importance of vocational guidance and training that is appropriate to the needs of people with disabilities. However, in practice, the job training available in many areas has not accommodated the diverse needs of people with disabilities, especially in rural and remote areas [6].

4.2 Obstacles to the Effective Implementation of ILO Standards in Employment Arrangements for Persons with Disabilities in Indonesia

4.2.1. Social and Cultural Barriers

The social stigma against people with disabilities is still very strong in Indonesian society. Assumption-based discrimination on disability or dependency is a major barrier to the participation of persons with disabilities in the job market. Research shows that the perception of people with disabilities as a 'burden' of work is still widely found among employers and the wider community. This creates a fear of recruiting workers with disabilities even if they have adequate qualifications [7].

4.2.2 Structural and Institutional Barriers

Structurally, many government and private institutions have not integrated the principle of inclusivity in their employment policies. For example, not all offices or workplaces provide physical accessibility such as ramps, dedicated elevators, or alternative means of communication. There are also few job training institutions that provide adaptive curricula for people with disabilities. This is a violation of the basic principles of Convention K159 which requires the existence of inclusive vocational rehabilitation and training services [8].

4.2.3 Regulatory and Law Enforcement Barriers

Although Indonesia has Law No. 8 of 2016 which is very progressive, weak implementation and supervision are the main obstacles. The administrative sanctions stipulated in Articles 54 and 55 of Law No. 8 of 2016 are not strict enough to provide a deterrent effect for violating companies. On

the other hand, the lack of accurate reporting and data leads to weak evidence-based policymaking.

4.2.4 Data Bottlenecks and Monitoring

The availability of national data on the number of people with disabilities working, the types of jobs accessed, and their working conditions is still very limited. Without valid and detailed data, governments struggle to design affirmative policies and effective oversight. Conventions K111 and K159 emphasize the importance of monitoring and reporting as an integral part of national strategies [9].

4.3 Policy Recommendations and Strategies to Improve the Alignment of Indonesian Labor Regulations with ILO Standards

4.3.1 Raising Public Awareness and Education

The government needs to launch a national education program and campaign on the inclusion of people with disabilities in the workplace. This program must target employers, civil servants, and the wider community. [10]. Disability education modules should be integrated into the national education system, in particular vocational education and job training.

4.3.2 Strengthening Regulation and Law Enforcement

Law No. 8 of 2016 must be equipped with more specific implementing regulations and stricter sanctions for violations. Employment supervisory bodies need to be strengthened in their capacity and authority to inspect workplaces regularly and respond quickly to reports of violations [11].

4.3.3 Incentives for Inclusive Companies

The government can provide fiscal or non-fiscal incentives to private companies that actively recruit and develop the careers of people with disabilities. For example, tax relief, ease of licensing, or annual special awards [12].

4.3.4 Inclusive Infrastructure and Technology Development

Workplace infrastructure must meet universal accessibility standards. Governments can work with the private sector to provide assistive technologies that

enable people with disabilities to access and perform their work optimally [13].

4.3.5 Continuous Monitoring and Evaluation

A continuous and transparent monitoring and evaluation system is needed for the implementation of inclusive employment policies. Independent bodies such as the National Commission on Disabilities can be involved in this oversight. Periodic reporting, national surveys, and case studies need to be conducted to monitor policy developments and effectiveness [14].

With the comprehensive and consistent implementation of these recommendations, Indonesia can realize a more tangible alignment between national regulations and ILO international standards in the protection of the rights of persons with disabilities in the world of work.

5. CONCLUSION

This research shows that although Indonesia has adopted a legal framework that is in line with ILO standards in the protection of employment rights for persons with disabilities, the implementation of these regulations still faces various challenges. The

gap between legal norms and realities in the field, social stigma, and lack of proper accommodation are major obstacles to increasing the participation of people with disabilities in the workforce. Therefore, concrete steps are needed to strengthen regulations, increase public awareness, and develop effective inclusion programs. The results of this study are expected to contribute to the development of a more inclusive employment law system and strengthen the protection of the rights of persons with disabilities in accessing decent and dignified employment.

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