

Reasonable Accommodations for Persons with Disabilities in Public Services Under Law No. 8 of 2016

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ABSTRACT

The fulfillment of public service rights for persons with disabilities remains an important issue in achieving substantive equality and preventing discrimination within state administration. Although Law No. 8 of 2016 concerning Persons with Disabilities has recognized the obligation to provide reasonable accommodations, the implementation of these obligations in public services continues to face various normative and institutional challenges. This study aims to analyze the legal framework governing reasonable accommodations for persons with disabilities in public services and examine its role in ensuring equal access based on human rights principles. This research employs a normative legal research method using a statutory approach and conceptual approach by examining relevant legal instruments, including Law No. 8 of 2016, Law No. 19 of 2011 concerning the Ratification of the Convention on the Rights of Persons with Disabilities, and regulations related to public services and accessibility. The results indicate that reasonable accommodation constitutes a fundamental legal obligation that requires public service providers to make necessary and appropriate adjustments to eliminate barriers experienced by persons with disabilities. Such accommodations include physical accessibility, procedural modifications, communication support, and inclusive service mechanisms. However, the implementation of reasonable accommodation remains limited due to the lack of detailed technical regulations, institutional capacity constraints, insufficient awareness among service providers, and weak accountability mechanisms. This study concludes that strengthening the implementation of reasonable accommodation requires regulatory harmonization, institutional commitment, capacity development, and effective monitoring systems. Reasonable accommodation should not be viewed as a form of special treatment but as a legal instrument to achieve substantive equality and ensure that persons with disabilities can fully exercise their rights in public services.

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1. INTRODUCTION

The recognition of persons with disabilities as equal rights holders represents an important shift from a charity-based approach toward a human rights-based framework that emphasizes equality, non-discrimination, accessibility, and participation in social, economic, political, and public life. Within this framework, reasonable accommodation serves as a crucial legal instrument for removing structural, environmental, communication, and procedural barriers that restrict access to administrative services, healthcare, education, transportation, justice, and other public services. Substantive equality therefore requires not merely identical treatment but appropriate adjustments that respond to diverse needs and enable persons with disabilities to exercise their rights equally with others.

In Indonesia, this rights-based approach is strengthened by Law No. 8 of 2016 concerning Persons with Disabilities and Law No. 19 of 2011 ratifying the Convention on the Rights of Persons with Disabilities (CRPD), which require the provision of reasonable accommodation without imposing a disproportionate or undue burden. Law No. 8 of 2016 reflects Indonesia's transition from paternalistic disability policies toward international human rights standards [1], while the National Action Plan on Human Rights and Persons with Disabilities further demonstrates the government's commitment to fulfilling disability rights [2]. Nevertheless, structural barriers in healthcare, education, and employment remain significant and require broader institutional transformation [3], although local implementation in Medan City has demonstrated positive results through empowerment programs for persons with disabilities [4].

Although Law No. 8 of 2016 provides a normative foundation for reasonable accommodation, its implementation in Indonesian public services remains constrained by various practical challenges. Many institutions still lack accessible facilities, inclusive communication

mechanisms, trained personnel, disability-sensitive procedures, administrative flexibility, and individualized support. Physical accessibility remains inadequate in numerous public facilities, particularly regarding ramps and accessible restrooms [5], while the limited availability of sign language interpreters and other inclusive communication methods restricts access to information for persons with hearing impairments [6]. Public service personnel also frequently lack sufficient knowledge and training concerning disability rights and reasonable accommodation, resulting in inadequate service delivery [7].

From a legal perspective, these conditions demonstrate a gap between the formal recognition of reasonable accommodation and its practical realization. The existence of a legal obligation does not automatically guarantee effective protection unless it is supported by clear implementation standards, institutional accountability, adequate resources, and effective enforcement mechanisms. Strengthening regulatory enforcement is therefore necessary to ensure compliance among public service providers [5]. In addition, collaboration between government institutions, disability organizations, and local communities must be reinforced to create more inclusive public services [5], while increased budget allocations are required to support accessibility infrastructure and disability-related training programs [8].

Previous studies on disability rights have generally focused on accessibility, discrimination prevention, and social inclusion. However, specific legal analysis of reasonable accommodation as a binding obligation within Indonesian public services remains limited. Most existing discussions address disability protection broadly without examining how reasonable accommodation functions as a legal mechanism for achieving substantive equality. This study therefore seeks to fill this gap by analyzing the legal construction, scope, and implementation of reasonable accommodation under Law No. 8 of 2016 and evaluating its implications for inclusive public service delivery.

Based on this background, the study aims to examine the normative regulation of reasonable accommodation for persons with disabilities in public services, including its legal basis, scope of obligations, and implementation challenges. The research addresses two principal questions: first, how the concept of reasonable accommodation is regulated under Law No. 8 of 2016 concerning Persons with Disabilities; and second, how the legal framework guarantees equal access to public services for persons with disabilities. Through normative legal analysis, this study is expected to strengthen disability law discourse in Indonesia and affirm that reasonable accommodation is not merely a discretionary policy but a legally recognized obligation essential to achieving equality, justice, human rights protection, and non-discriminatory public services.

2. METHODS

This research employs a normative legal research method (doctrinal legal research) to examine the legal norms, principles, concepts, and regulations governing reasonable accommodation for persons with disabilities in public services. This method views law as a system of norms established through legislation, legal principles, and legal doctrines. It is appropriate for this study because the analysis focuses on the extent to which the Indonesian legal framework recognizes, protects, and imposes obligations concerning equal access to public services for persons with disabilities.

The study applies statutory and conceptual approaches. The statutory approach examines relevant legal instruments, particularly Law No. 8 of 2016 concerning Persons with Disabilities, the 1945 Constitution of the Republic of Indonesia, Law No. 19 of 2011 concerning the Ratification of the Convention on the Rights of Persons with Disabilities, Law No. 25 of 2009 concerning Public Services, and other regulations related to accessibility, equality, and public service obligations. Meanwhile, the conceptual approach examines the

concepts of reasonable accommodation, substantive equality, non-discrimination, accessibility, disability rights, and human rights protection based on legal theories and international legal principles.

The legal materials consist of primary, secondary, and tertiary legal materials collected through documentary and literature studies. Primary legal materials include legislation and binding international legal instruments, while secondary materials include academic books, journal articles, legal commentaries, research reports, and scholarly opinions. Tertiary materials consist of legal dictionaries, encyclopedias, and supporting references. These materials are classified and analyzed using qualitative juridical and descriptive-analytical methods. Systematic and conceptual interpretations are applied to assess the relationship between legal provisions, evaluate the adequacy of existing protections, and determine whether stronger legal mechanisms are required to ensure the effective implementation of reasonable accommodation in public services.

3. RESULTS AND DISCUSSION

3.1 The Legal Recognition of Reasonable Accommodation for Persons with Disabilities Under Law No. 8 of 2016

The recognition of reasonable accommodation under Law No. 8 of 2016 represents a significant shift in Indonesian disability law from a welfare-based and paternalistic approach toward a rights-based framework. Before the enactment of this law, persons with disabilities were commonly positioned as recipients of assistance rather than holders of enforceable rights. Law No. 8 of 2016 changed this perspective by affirming their equal status as citizens and recognizing reasonable accommodation as a means of achieving substantive equality [1]. The provision requires necessary and appropriate modifications so that persons with disabilities can access services and exercise their rights on an equal basis with others, thereby transforming non-discrimination from a

passive prohibition into an active obligation for the state and public service providers [4].

This legal recognition is consistent with the Convention on the Rights of Persons with Disabilities, which considers the denial of reasonable accommodation a form of disability-based discrimination. By adopting this principle, Indonesian law aligns with international human rights standards that regard accessibility and accommodation as essential elements of equality. Nevertheless, effective implementation requires clearer operational standards concerning procedures, assessment mechanisms, institutional responsibilities, and resource allocation [2]. Monitoring and enforcement mechanisms are also necessary to ensure that public service providers comply with their legal obligations [9].

Progress has been observed through initiatives undertaken by local governments, including empowerment programs for persons with disabilities in Medan City, which indicate efforts to translate the legal framework into practice [4]. However, the implementation of reasonable accommodation remains uneven across public service sectors, and the absence of Indonesia's ratification of the Optional Protocol to the CRPD limits access to stronger international monitoring and complaint mechanisms [2]. Therefore, further regulatory development, institutional coordination, monitoring, and enforcement are required to ensure that reasonable accommodation functions as an effective legal instrument for equality and inclusion.

3.2 Reasonable Accommodation as an Instrument for Achieving Substantive Equality

The concept of equality in disability law cannot be limited to formal equality, which requires identical treatment regardless of individual circumstances. Although equal treatment is important, it may still produce unequal outcomes when persons with disabilities face different structural, communication, or procedural barriers. Applying the same service procedures without considering disability-related needs

may therefore indirectly exclude persons with disabilities from accessing essential public services. Substantive equality instead recognizes that fairness may require differentiated treatment to ensure that every individual has a genuine opportunity to exercise their rights.

Reasonable accommodation functions as a legal instrument for achieving substantive equality by requiring public service providers to make necessary and appropriate adjustments. Such measures may include alternative document formats, sign language interpretation, communication assistance, flexible administrative procedures, and other forms of individualized support. These adjustments do not constitute special privileges but mechanisms for eliminating structural barriers and enabling equal participation [10]. This principle is also consistent with the Convention on the Rights of Persons with Disabilities, which places accessibility and reasonable accommodation at the center of the social and human rights model of disability [11].

In Indonesia, Law No. 8 of 2016 demonstrates a normative commitment to ensuring that persons with disabilities receive the support required to access and exercise their rights. However, the effectiveness of this framework remains affected by institutional resistance, limited awareness, and inadequate implementation capacity among public service providers [10], [12]. Comparative studies further indicate that although successful accommodation models have been developed in various jurisdictions, broader systemic transformation remains necessary to achieve genuine inclusion [3]. Therefore, reasonable accommodation must be understood as a binding legal obligation rather than merely a voluntary form of social responsibility.

3.3 Implementation of Reasonable Accommodation in Public Services

Public services constitute a critical area for implementing reasonable accommodation because access to administrative, healthcare, educational,

transportation, and other government services directly affects the fulfillment of fundamental rights. Public institutions are therefore responsible for ensuring that their service systems are accessible, inclusive, and responsive to the diverse needs of persons with disabilities. Reasonable accommodation may include physical adjustments, such as ramps, elevators, accessible toilets, and appropriate service counters, although many public facilities still lack these essential modifications [5].

Reasonable accommodation must also extend to administrative procedures, communication, and information accessibility. Public institutions may need to provide flexible procedures, additional service time, assistance mechanisms, modified administrative requirements, accessible document formats, digital accessibility, sign language interpretation, and clear communication methods. However, many institutions have not adequately adapted their procedures to different disability-related needs [13], while limited public awareness and insufficiently trained personnel continue to hinder the implementation of inclusive services [8].

Although Law No. 8 of 2016 establishes a legal obligation to provide accessibility and reasonable accommodation, its implementation remains inconsistent due to inadequate infrastructure, limited funding, institutional resistance, and weak enforcement. Addressing these challenges requires stronger regulatory enforcement [5], sufficient resource allocation for infrastructure and training programs [12], and collaboration among government institutions, disability organizations, and communities [5]. Public institutions must also move beyond a narrow focus on physical accessibility and recognize that reasonable accommodation includes individualized procedural, communication, and institutional adjustments.

4.4. Challenges in Providing Reasonable Accommodation Under Indonesian Legal Framework

Although Law No. 8 of 2016 provides a strong normative foundation, the implementation of reasonable accommodation in public services remains constrained by the absence of detailed technical standards, limited institutional capacity, inadequate financial resources, insufficiently trained personnel, and weak legal awareness among public officials. Without clear guidance, institutions may experience difficulties in assessing accommodation requests and determining appropriate adjustments. Clearer regulations are therefore required to define procedures, institutional responsibilities, and evaluation standards for reasonable accommodation [7]. Disability considerations must also be integrated into public service planning, supported by adequate budgeting for accessible infrastructure and inclusive service mechanisms [5].

Reasonable accommodation is closely related to the principle of non-discrimination because discrimination may arise not only through direct exclusion but also through institutional systems that fail to consider disability-related needs. The refusal or failure to provide necessary adjustments may create indirect barriers that prevent persons with disabilities from accessing rights and services equally. Law No. 8 of 2016 reflects this understanding by requiring active measures to remove such barriers. Effective implementation therefore requires personnel training on disability rights, inclusive communication, and appropriate service practices [14]. Reasonable accommodation also encourages institutions to redesign their procedures and service systems so that they become more inclusive and responsive to individual differences.

Strengthening implementation further requires accessible complaint mechanisms and effective monitoring to ensure institutional accountability. Persons with disabilities must be able to report failures, challenge discriminatory practices, and obtain appropriate remedies through user-friendly channels [5]. Regular monitoring is also necessary to assess compliance, identify implementation gaps,

and improve service quality [7]. Ultimately, reasonable accommodation must be treated as a binding legal obligation derived from equality, human dignity, and non-discrimination rather than as a voluntary program. Through stronger regulation, inclusive planning, adequate resources, personnel capacity building, and accountability mechanisms, Law No. 8 of 2016 can provide an effective basis for inclusive public services.

4. CONCLUSION

The concept of reasonable accommodation under Law No. 8 of 2016 concerning Persons with Disabilities marks a significant shift in Indonesian disability law from a welfare-based approach to a human rights-based framework. It recognizes that equality cannot be achieved through identical treatment alone but requires appropriate

adjustments to remove barriers, ensure equal opportunities, realize substantive equality, and prevent direct and indirect discrimination. The law provides a strong normative foundation by requiring public service providers to adapt facilities, procedures, communication systems, and service mechanisms in accordance with the Convention on the Rights of Persons with Disabilities. However, effective implementation remains hindered by limited technical guidelines, institutional capacity, official awareness, and monitoring and enforcement mechanisms. Therefore, regulatory improvement, clearer implementation standards, institutional capacity building, and accessible accountability mechanisms are necessary to establish reasonable accommodation as a binding legal obligation rooted in equality, dignity, and non-discrimination.

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