

Disability Law Reform in Indonesia: Analyzing Policy Gap Implementation in Kudus Regency

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Abstract

Regional Regulation Number 10 of 2021 on the Protection and Fulfillment of the Rights of Persons with Disabilities in Kudus City is a hope for the realization of an inclusive city. The number of people with disabilities in Kudus City reaches 0.5% of the total population of Kudus. Still, data in the field reveal that implementing the Disability Regional Regulation in Kudus faces significant implementation barriers. This study examines legal reforms that can be carried out by focusing on complementing the shortcomings of previous studies, which more often portrayed the success of the implementation of the Regional Regulation and disregarded the aspects of obstacles and barriers in the implementation process. In addition, this study analyzes the failure of implementing the Disability Regional Regulation and the factors causing it. The design of this study is qualitative, where data collection was performed through interviews, online sources, and reports. The leading theory used in this study is the implementation of policies from George C. Edward III. The findings of this study stated that four variables must be re-evaluated in implementing the Disability Regional Regulation in Kudus, including

communication, resources, disposition, and bureaucratic structure. The results of this study include a recommendation for the regional government to promptly enact the Regent Regulation (Perbup) so that the goals of protecting and fulfilling the rights of persons with disabilities can be achieved without further delay.

Keywords

Regional Regulation on Disabilities, Regent Regulation, Policy Implementation.

Introduction

People with disabilities represent the world's largest minority group, accounting for approximately 15% of the global population, with 82% living in developing countries. Despite their numbers, they face numerous barriers and challenges adapting to their social surroundings. As a marginalized group, they encounter limited access to essential areas such as education, employment, politics, public services, and cultural and social participation. Discrimination remains a persistent issue, particularly in economic opportunity, political involvement, healthcare, education, and socio-cultural engagement.

The number of people with disabilities in Kudus Regency was recorded at 4,815 people in 2022. The large number of people with disabilities in Kudus Regency requires an inclusive environment to support the quality of life of people with disabilities. In everyday life, persons with disabilities experience various obstacles and limited access, including low levels of education, limited employment opportunities, restricted access to healthcare services, low welfare, barriers to accessing public facilities, negative societal stigma, and low participation in various community activities.¹

Law Number 8 of 2016 represents the Government's policy commitment to protecting and fulfilling the rights of persons with disabilities. Policies ensure that persons with disabilities can participate in society. In the regional context, local regulations concerning persons with disabilities are therefore necessary. They outline how to respect, protect, and fulfill the rights of persons with disabilities.

¹ Hastuti et al., "Kendala Mewujudkan Pembangunan Inklusif Penyandang Disabilitas," 2020, https://smeru.or.id/sites/default/files/publication/wp_disabilitas_in_0.pdf.

Policy on disabilities in Kudus Regency is governed by Regional Regulation Number 10 of 2021 on the Protection and Fulfillment of the Rights of Persons with Disabilities. This Regional Regulation was enacted on December 20, 2021. The Regional Regulation must be supported by implementing regulations that further legalize and detail its provisions through a Regent Regulation (Perbup). The need to have derivative regulations is best explained by Stufenbau legal theory. It is said that broad and standard regulations or laws must be reduced to more detailed ones. This theory has been implemented in Indonesia, supported by national law as mentioned in Law no 12 of 2011, which has been amended by Law No. 13 of 2022. However, four years after the Kudus Regency Regional Regulation on Disabilities was enacted, the Regent's Regulation has yet to be drafted, resulting in the contents of the Regional Regulation remaining unimplemented.

At this point, studies on disability tend to look at how efforts are made to implement the Regional Regulation on Disabilities and how its implementation is evaluated in cities or regencies. Three tendencies can be found. First, the Regional Government has encouraged accessibility for people with disabilities to public facilities.² Second, implementing the Regional Regulation on Disabilities requires cross-sector cooperation, which looks at the implementation of the Regional Regulation from a governance aspect.³ Third, the Regional Government has socialized the Regional Regulation on Disabilities to the community so that acceptance occurs and the negative stigma about disabilities that has grown in the community has been minimized.⁴

² Robiatul Putri Adawiyah, "Peran Dan Upaya Pemerintah Kabupaten Banyuwangi Dalam Implementasi Peraturan Daerah Tentang Perlindungan Dan Pemenuhan Hak-Hak Disabilitas Di Kabupaten Banyuwangi," *Jurnal Politico* 18, no. 1 (2018).

³ Ni Putu Evilia Octaviani, Tedi Erviantono, and Putu Eka Purnamaningsih, "Penerapan Governance dalam Implementasi Perda Penyandang Disabilitas di Kota Denpasar (Studi Kasus Implementasi Peraturan Daerah Provinsi Bali Nomor 9 Tahun 2015 Tentang Perlindungan Dan Pemenuhan Hak Penyandang Disabilitas)," *Citizen Charter: Jurnal Administrasi Publik* 1, no. 1 (2016).

⁴ Dio Yoan Sabrina and Erianjoni Erianjoni, "Implementasi Peraturan Daerah Nomor 3 Tahun 2015 Tentang Pemenuhan dan Perlindungan Hak-Hak Penyandang Disabilitas di Kota Padang," *Jurnal Perspektif* 2, no. 2 (May 3, 2019): 1, <https://doi.org/10.24036/perspektif.v2i2.66>.

From the three tendencies, it appears that the Regional Government has made efforts to implement the Regional Regulation on Disabilities well by expanding accessibility for people with disabilities to public services and socializing the Regional Regulation on Disabilities to increase acceptance in the community. Meanwhile, there has been no discussion about the relationship between the Regional Regulation and the Regent Regulation on Disabilities. This fact is a sociological reason explaining the need for research. Obstacles and constraints in implementing the Regional Regulation have also not been mapped in more detail.

Therefore, the purpose of this paper is to complement the shortcomings of previous studies, which mostly portrayed the success of the implementation of Regional Regulations and did not pay attention to the aspects of obstacles and barriers in the process of implementing Regional Regulations. This paper analyzes the failure of implementing Regional Regulations on disabilities and the factors that caused it. The answers to these two questions can be a comprehensive basis for forming an inclusive city that protects and fulfills the rights of people with disabilities. Raising awareness of inclusivity and fulfilling basic rights are the philosophical reasons for this research.

Implementing the Regional Regulation on Disabilities needs to be accompanied by other regulations, namely the Regent Regulation (Perbup) on Disabilities. This logic is explained in the legal theory of Stufenbau theory, which is used in this analysis and becomes the juridical reason to do this research. In Indonesia, the law regarding the statutory hierarchy is explained in Law No. 12 of 2011 on the Formation of Laws and Regulations, amended by Law No. 13 of 2022. The absence of a Regent Regulation can be an obstacle to implementing the Regional Regulation on Disabilities because there are no technical steps to implement it. Meanwhile, the stipulation of the Regent Regulation is closely related to the readiness of the regional government budget allocation and the preparedness of associated agencies to meet the inclusivity criteria. The absence of a Regent Regulation also causes the problems faced by people with disabilities to persist, such as low levels of welfare, negative community paradigms towards disabilities, obstacles to accessing various public facilities, and low participation of people with disabilities. From this description, it appears that the Regional

Regulation on Disabilities is still constrained in realizing an inclusive city for people with disabilities.

Method

This qualitative research explores the obstacles to implementing regulations related to protecting and fulfilling the rights of people with disabilities. People with disabilities face problems in life, both structural and cultural, and in access to infrastructure. Hence, a legal umbrella is required to protect and fulfill their rights. Barriers and regulations related to disabilities are covered in various sporadic studies that map disability problems through reports published by multiple parties.

This qualitative research is based on implementing Regional Regulations for protecting and fulfilling disability rights. This research took a case study of the Disability Regional Regulation in Kudus Regency, which was ratified in 2021 but has not been implemented due to the lack of a Disability Regent Regulation. Case study research involves rigorous observation to investigate and collect data over time and phenomena. The case study approach is chosen in this research as this research only focuses on Kudus and the disability regulation phenomena.

The data for this article came from three sources, including interviews, relevant online sources, and reports from various institutions. Informants were selected using purposive sampling by interviewing parties drafting the Disability Regional Regulation. We conducted in-depth interviews with members of the Kudus Regency Regional House of Representatives (DPRD), disability activist, the head of the Kudus Disability Communication Forum (FKDK), and the head of Kudus Regency Social Affairs Office. Those participants are selected for their expertise regarding this matter. The interviews were done in five rounds with different participants and over varying periods of time. The interview period spanned from before the election and after the new regent is elected. The other timing of interviews with the same participants is to ensure the rigor of this research and the validity of the data.

In addition, online sources are dynamic, so they can occasionally record the development and implementation of the Regional Regulation

on Disabilities. Reports and data from various institutions can also complement the sources of information. In this study, online sources were selected through the official website of the Kudus Regency Government, the social media of the disability community, and various news sources selected through Google.com, with the entries “disability problems” and “disability regulation implementation.” Meanwhile, for data originating from multiple institutions, one of them was obtained through the Central Statistics Agency and related agencies.

The validity of the data is maintained through triangulation. Source triangulation is conducted by comparing interview results from various informants to obtain comprehensive data. Technique triangulation involves multiple data collection methods, including in-depth interviews, observations, and documentation. Meanwhile, time triangulation is performed by collecting data related to disabilities before and after the change of leadership period of the Kudus Regent.

Result and Discussion

A. Disability in Kudus Regency

Persons with disabilities encounter numerous obstacles in securing the protection and fulfillment of their rights. In Kudus Regency, most of them experience a low standard of living. The data on the number of persons with disabilities in Kudus Regency by sub-district can be seen in the table below.

TABLE 1. The Number of Persons with Disability in Kudus Regency 2022

No	Sub-District	Total
1	Kaliwungu	528
2	Kota Kudus	463
3	Jati	614
4	Undaan	346
5	Mejobo	587
6	Jekulo	658
7	Bae	222
8	Gebog	479
9	Dawe	920
Total		4815

Source: data.kuduskab.go.id

Based on the data above, it is evident that the number of persons with disabilities in Kudus Regency is quite significant. The challenges faced by persons with disabilities in Kudus Regency include: 1) limited accessibility; 2) discrimination and social stigma; 3) difficulty in accessing education; 4) limited access to employment opportunities; 5) limited access to healthcare; and 6) the lack of inclusive policies.

Regarding limited accessibility, persons with disabilities face obstacles such as the lack of disability-friendly public facilities and infrastructure that do not meet proper standards. Mr. R, the Chairperson of the Kudus Disability Communication Forum (FKDK), stated:

“In Kudus, there are still many public facilities that are difficult for persons with disabilities to access for example, slippery sidewalks. Many places of worship are also not disability-friendly, as many buildings have multiple levels. So even performing religious activities becomes a challenge for us. I once wrote about this in the mass media as a form of criticism.”

People with disabilities still encounter negative stigma and discrimination from the broader community even from within their own families. Many relatives lack the knowledge or awareness needed to provide proper support. As a result, individuals with disabilities are often socially marginalized and perceived as burdens or as being incapable of leading independent lives. Mr. R stated:

“Therefore, a large portion of our society continues to view persons with disabilities as incapable and entirely reliant on others for their daily lives. Unfortunately, this perception is still common even among family members.”

Mr. A, as a prominent figure with disability in Kudus, also experienced social exclusion during his time in junior high school. He stated:

“When I first applied to a regular elementary school, one of the teachers suggested I just apply to a special needs school instead. Yet, I had very high exam scores and was capable of competing with other students. At school, I often experienced bullying from my classmates.”

When it comes to education, most individuals with disabilities attain only a low level of formal schooling, which negatively impacts their future quality of life. In Kudus, access to inclusive education remains scarce, and there is a significant shortage of teachers equipped to work with students who have special needs. Disability rights activist Mr. A stated:

“Most persons with disabilities in Kudus Regency are only elementary school graduates. Economically, many of them are also underprivileged.”

Noting the generally low education levels among persons with disabilities, Mr. R continues to push for education to be a major focus for development. He shared:

“Within FKDK, only a small number of persons with disabilities have completed high school. I strongly encourage them to aim for higher education. For those who have left school, I motivate them to join alternative learning programs. Education is essential it lays the groundwork for independence, and I’ve experienced that firsthand.”

A significant number of families still lack awareness about the value of education for children with disabilities, leading to hesitance in supporting their continued schooling. Additional obstacles include the long distances to educational institutions and the absence of assistive tools, which hinder access to formal education.

In Kudus regency, persons with disabilities also struggle to secure employment due to the limited availability of inclusive job opportunities. Despite Kudus being an industrial hub, this has not yet translated into expanded access to jobs for people with disabilities. Mr. A explained:

“The work they currently do is mostly self-employment not because they are skilled in it, but because there is no access to other employment opportunities here”.

At the same time, Mr. R drew a comparison with the situation of people with disabilities in Jepara Regency. Jepara Regency enacted the Disability Regional Regulation (Perda Disabilitas) in 2019. Jepara moved

swiftly in putting the policy into action. Under this regulation, the Jepara local government mandated that private companies and Foreign Investment Enterprises (PMA) hire at least 1% of their workforce from individuals with disabilities. He explained:

“I’ve been asked to help find persons with disabilities from Kudus to work at PMA companies in Jepara, since they’ve already begun enforcing the 1% hiring requirement outlined in their disability regulation. However, one major challenge is accessibility very few disabled friends can access modified vehicles to get there.”

In Kudus Regency, individuals with disabilities continue to encounter barriers in accessing healthcare services, primarily due to limited awareness and the high costs associated with assistive equipment. To help address this, Mr. R has collaborated with civil society groups such as LazisMu Kudus to secure donations of assistive tools like wheelchairs. Additionally, the local Social Affairs Office has proactively distributed such equipment to those in need. Mr. R also conducts home visits to people with disabilities through the *Jum’at Berkah* (Blessed Friday) initiative to provide assistance, education, and motivation. He shared:

“Many families of children with disabilities still lack knowledge about available healthcare services, including therapy options. I help guide them so their children can access treatment at hospitals. One time, I supported a family with a toddler who was unable to walk alhamdulillah. After several months of therapy, there was noticeable improvement.”

The challenges faced by persons with disabilities, as previously mentioned, stem from the absence of inclusive policymaking. This highlights the need for establishing regulations that safeguard and uphold the rights of individuals with disabilities across all regions.

The government’s implementation of social policies is based on several approaches. The study found three tendencies. *First*, a participatory approach involves community components and stakeholders in planning to ensure policies are more relevant to

community needs.⁵ *Second*, an inclusive-based approach is used in policy design to cover all levels of society without discrimination.⁶ *Third*, in countries with a neoliberal school of thought, a market approach is used to implement social policies, which is done by creating policies that encourage market participation in solving social problems.⁷ The description above is a widely used social policy approach.

The Disability Regional Regulation, as a social policy, aims to protect the rights of people with disabilities and improve their welfare. The study by Sulastuti and Andreas (2002) demonstrates that policies oriented towards safeguarding people with disabilities can improve social security, social assistance, and social welfare for people with disabilities. Recognition of the rights of people with disabilities through social policies is essential in community development. Implementing the Disability Regional Regulation is a form of protection of the human rights of people with disabilities, which can improve the social security of this group (Burke & Barnes, 2018; Utami, 2019). In the same way, pro-disability social policies can provide more relevant assistance to groups with disabilities (Hopf & McLeod, 2015; Poni, 2022). The Disability Regional Regulation aims to encourage the participation of groups with disabilities in the public sector and create social justice (Baynton, 2016). Overall, the Disability Regional Regulation is not only a local legal instrument that protects the rights of people with disabilities but also a commitment to developing an inclusive and just society.

Recognizing the importance of protecting and fulfilling the rights of persons with disabilities, particularly in Kudus Regency, the Kudus Regency Regional House of Representatives (DPRD) initiated the Disability Regional Regulation. This regulation is expected to serve as a legal framework and support efforts to improve the quality of life for

⁵ Hubert Buch-Hansen and Iana Nesterova, "Less and More: Conceptualising Degrowth Transformations," *Ecological Economics* 205 (March 2023): 107731, <https://doi.org/10.1016/j.ecolecon.2022.107731>.

⁶ Rosana Carla do Nascimento Givigi, "Inclusive Educational Policies and Intersectoriality with Social Policies: Brazil/Canada Interfaces. Revista Ibero-Americana De Estudos Em Educacao," n.d.

⁷ Michael Byrne and Michelle Norris, "Housing Market Financialization, Neoliberalism and Everyday Retrenchment of Social Housing," *Environment and Planning A*, 2022, <https://doi.org/10.1177/0308518X19832614>.

persons with disabilities. As stated by Mr. AY, Chair of the Kudus Regency DPRD:

“This Disability Regional Regulation is an initiative from the Kudus Regency DPRD. We see that our friends with disabilities need support to become empowered. I believe each of them has great potential that can be developed. The hope is that through this regulation, that vision can be realized.”

The study indicates that creating Disability Regional Regulations requires special attention, involving several crucial aspects that can create inclusivity. Three tendencies were uncovered in the existing research. *First*, the creation of regulations must involve people with disabilities in the formulation process, which includes active participation and providing direct experience for relevant policies.⁸ *Second*, protecting human rights and improving social welfare are the main focuses in formulating Disability Regional Regulations to create equal access.⁹ *Third*, the regulations made must be by international standards, such as being guided by the Convention on the Rights of Persons with disabilities. The description above is a crucial aspect in creating Regional Regulations on Disability. In drafting the Disability Regional Regulation, the DPRD involved various parties, including the executive branch, academics, and representatives of persons with disabilities. Mr. AY conveyed this:

⁸ Fatemeh Neisheh et al., “The Consequences of the Emancipation Process in People with Physical Disabilities: A Qualitative Research,” *Middle East Journal of Rehabilitation and Health Studies*, 2023, <https://doi.org/10.5812/mejrh-130100>; Raymond Lang et al., “Policy Development: An Analysis of Disability Inclusion in a Selection of African Union Policies,” *Development Policy Review*, 2019, <https://doi.org/10.1111/dpr.12323>.

⁹ Mark Priestley and Agustín Huete-García, “Developing Disability Equality Indicators: National and Transnational Technologies of Governance,” *International Journal of Human Rights*, 2022, <https://doi.org/10.1080/13642987.2021.1994400>; Laufey E. Löve, Rannveig Traustadóttir, and James Gordon Rice, “Achieving Disability Equality: Empowering Disabled People to Take the Lead,” *Social Inclusion*, 2018, <https://doi.org/10.17645/si.v6i1.1180>.

“In drafting the legal framework of the Disability Regional Regulation, we always involved representatives from the disability community, because they are the ones who best understand their own needs. This way, the provisions in the regulation can truly address those needs. However, we only invited representatives, due to participant quota limitations.”

Mr. R, as the Chair of FKDK, actively participated in drafting the Disability Regional Regulation. He stated:

“We were indeed involved in the drafting of this Disability Regional Regulation. We were allowed to provide input and highlight important points that needed to be included in the draft. The only representatives from the disability community were I and Mas Anjas. Honestly, I still feel that the number was insufficient, but at the very least, we were allowed to participate fully.”

The Disability Regional Regulation aims to promote the development of an inclusive city. Inclusive cities are designed to provide equal access for all citizens, especially vulnerable and marginalized groups. A study by Raissa et al. (2021) mentions the urgency of an inclusive environment in development planning to minimize the negative impacts of social disasters that hit an area. Inclusive cities enable community empowerment to address common problems and improve their quality of life.¹⁰ Implementing inclusive cities can increase community resilience in dealing with disaster problems.¹¹ Research by Khair et al. (2020) states that inclusive cities contribute to more effective and efficient community empowerment by implementing community-based supervision. On the other hand, exclusive cities, although they have the advantage of high regional income, have an adverse long-term effect on the development of an area.¹² Thus, creating an inclusive city is a

¹⁰ Mauro Romanelli, “Towards Smart Inclusive Cities,” *PuntOorg International Journal*, 2022, <https://doi.org/10.19245/25.05.pij.7.2.6>.

¹¹ Eva Dick, “Urban Governance for Sustainable Global Development: From the SDGs to the New Urban Agenda,” 2016.

¹² Wanyang Hu and Rui Wang, “Which Chinese Cities Are More Inclusive and Why?,” *Cities* 86 (March 2019): 51–61, <https://doi.org/10.1016/j.cities.2018.12.010>.

moral and social demand and a strategic step in achieving sustainability and community resilience.

Transforming Kudus Regency into an inclusive city is also a key goal of FKDK. Mr. R expressed this:

“With the enactment of the Kudus Regency Disability Regional Regulation, we hope to realize an inclusive city, so that the rights of persons with disabilities can be fulfilled. I see that we are already falling behind Jepara Regency. Many companies in Jepara have opened special quotas for workers with disabilities. This gives persons with disabilities the opportunity to improve their economic well-being. It’s a different situation in Kudus, because there is still no regulation in place, which results in companies not providing special quotas for persons with disabilities. Some companies in Jepara are even recruiting employees with disabilities from Kudus.”

Inclusive cities have characteristics that indicate their commitment to realizing inclusivity in the area. These characteristics aim to create an environment that supports participation, access, and social welfare.¹³

B. Obstacles to Implementing Regional Regulations on Disabilities in Kudus Regency

The Disability Regional Regulation aims to provide legal protection for persons with disabilities and ensure their rights are respected in accessibility, employment, healthcare, and education. Its goal is to uphold human rights, promote equal opportunities, and enhance quality of life. In Kudus Regency, these protections are outlined in Regional Regulation No. 10 of 2021 on the Rights of Persons with Disabilities. However, for this regulation to be implemented, it must be supported by an implementing regulation specifically, a Regent Regulation (Perbup).

Although it has been four years since its enactment, the Regional Regulation on Disabilities has yet to be put into effect. This delay is due

¹³ Aris Munandar, “Social Policy in the Global Transformation Flow: State Responsibility for Social Welfare,” *International Journal of Innovative Research and Development*, 2020, <https://doi.org/10.24940/ijird/2020/v9/i2/feb20026>.

to the absence of a Regent Regulation, which is the implementing guideline. In fact, by 2024, the Kudus Regency Government had issued 20 Regent Regulations (Perbup), but none have addressed the protection and fulfillment of the rights of persons with disabilities.

Hans Kelsen's theory of legal positivism further explains the importance of Regent Regulations to support the national agenda, which in this study is related to the Disability Regional Regulation.¹⁴ Legal positivism, commonly known as pure legal theory, emphasizes that law is a system of norms separate from morality and social facts. A critical element in Hans Kelsen's theory of pure legal theory is the hierarchical structure of norms. Legal norms are arranged in a hierarchy, where the highest hierarchy can delegate the power to create norms to lower hierarchies in a structured and logical system.

Of course, the highest hierarchy of norms in this regulation is national regulations, such as Law Number 8 of 2016 on Persons with Disabilities, and derivative Government Regulations, such as Government Regulation Number 42 of 2020 on Accessibility for Persons with Disabilities and Government Regulation Number 52 of 2019 on the Provision of Social Welfare for Persons with Disabilities, which are then derived into Regional Regulations. In Indonesia's decentralized government structure, the Regent Regulation is essential to support existing regional regulations related to disability.

The absence of this Regent Regulation is an obstacle to the *stufenbau* (ladder structure) for national regulations to be implemented at the regional level. The concept of decentralization in Indonesia creates inconsistency in disability rights protection across regions. The same pattern of policy has happened in the past regarding gender mainstreaming. The central government made a technical standardized implementation by creating guidelines for the Regent Regulation to ensure policy continuity in each region.

For effective implementation, Regional Regulations (Perda) must be supported by Regent Regulations (Perbup), which serve as their technical guidelines. While Regional Regulations tend to be broad and

¹⁴ Anak Agung Istri Ari Atu Dewi, "Aspek Yuridis Perlindungan Hukum dan Pemenuhan Hak Penyandang Disabilitas", *Pandecta*, 2018, <http://dx.doi.org/10.15294/pandecta.v13i1.13933>

normative, Regent Regulations provide the necessary details for practical application. They offer specific instructions to local government bodies on how to carry out the provisions in the Perda, including procedures, processes, document formats, and the allocation of responsibilities. Without these implementing regulations, the Regional Regulations may remain ineffective, as they lack the operational clarity needed for enforcement. The importance of doing this is explained in the Stufenbau theory that a general law must be reduced into more detailed regulations or rules. This theory has been implemented in Indonesia, supported by national law as mentioned in Law no 12 of 2011, which has been amended by Law No. 13 of 2022.

Concerning the Regional Regulation on Disabilities, developing a supporting Regent Regulation is a standard practice in many regions across Indonesia. According to the BPK website (peraturan.bpk.go.id), various areas such as Kapuas, Maros, Subang, Pekalongan, Jepara, Belitung, Klaten, and numerous other cities have already issued Regent Regulations to operationalize their disability regulations. For instance, some cities in Indonesia are leading in disability regulations, as reported by the SETARA institute, and those cities have already had some regent regulations that support regional regulations.

Semarang, which scores the highest in disability government regulations and implementation, has a Regional Regulation No. 9 year 2021 about Persons with Disabilities, which is supported by Mayor Regulation No. 83 year 2023 about *Unit Layanan Disabilitas*/Disability Service Unit. This Mayor Regulation is one of the enabling factors for the Semarang government to allocate Rp. 2.172.913.680 for people with disabilities' social rehabilitation¹⁵.

Gresik, a city in East Java, led by a regent instead of a mayor, has also reaped the benefit of Regent Regulation about people with disability as a concrete step in implementing the regional regulations. The Regent Regulation about people with disability in Gresik No. 53 year 2022 regulates in detail about fulfillment of equal employment opportunities

¹⁵ Juanita, Merisa Dwi, et al, *Indeks Inklusif Indonesia (IIS) 2024; Mengawal Agenda Inklusi Sosial di Indonesia*, Pustaka Masyarakat Setara, Jakarta, 2024.

for people with disabilities. It manifests in giving a minimum quota of 2% for industry to hire people with disability.¹⁶

In contrast, Kudus City, which enacted its Regional Regulation on Disabilities in 2021, currently only has a draft regulation that addresses the rights and responsibilities of persons with disabilities. A Regent Regulation is crucial to implementing the Regional Regulation, particularly ensuring budget allocations align with the region's financial capacity and facilitating planning efforts to protect and fulfill disability rights.

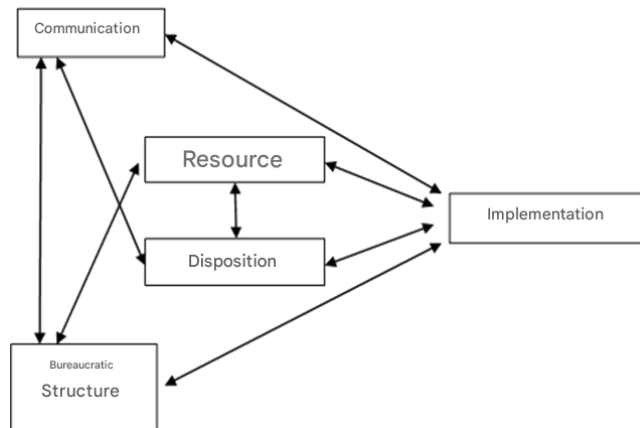
This planning should ideally take the form of a regional action plan aligned with the national action plan for persons with disabilities and integrated into the Regional Medium-Term Development Plan (RPJMD). Such a plan should also be reflected in the programs and activities of regional agencies, and included in development planning and budgeting documents to ensure comprehensive support for persons with disabilities.

Four variables support policy implementation from George C. Edward III's (1980) perspective.¹⁷ *First*, effective communication between the policy implementer and the target group is essential to successfully implementing any policy. It is possible to effectively socialize the policy's aims and objectives to prevent distortion. *The second* requirement is that sufficient financial and human resources be available to support any policy. *Third*, disposition reveals the traits of the person putting the policy into practice. *Fourth* is the bureaucratic structure; this aspect includes two consist of the mechanism and the organizational structure of the implementer itself. Edward builds the four variables above in a model related to each other in achieving policy goals and objectives. All synergize with each other, and one variable will affect another variable. Edward's model can be seen in the figure below:

¹⁶ Khuluq, Khusnul, *Pemenuhan Hak Kerja Penyandang Disabilitas di Kabupaten Gresik: Analisis Instrumen Kebijakan dari Peraturan Bupati No. 53 Tahun 2022*, Jurnal Reflektika, 2024.

¹⁷ C. Edward, George, *Implementing Public Policy* (Congressional Quarterly Press, 1980).

FIGURE 1. George C. Edward's Implementation Model



The figure above shows that policy implementation goes beyond mere technical execution it is a multifaceted process. Its success depends heavily on factors such as the effectiveness of communication, the availability of resources, the disposition of those responsible for implementation, and the strength of the supporting organizational structure. The Disability Regional Regulation is an Initiative for Regional Regulation drafted by the DPRD of Kudus Regency. The DPRD, as a regional legislative institution, uses its right of initiative to submit draft Regional Regulations that are considered necessary for the community's interests.

The problem arose in that it has been four years since the Regional Regulation was passed, but the Regent Regulation has not been issued. The Head of the DPRD Kudus, who initiated the Regional Regulation on Disabilities, stated:

"Implementing the Regional Regulation on Disabilities will involve many related agencies because it will be applied across various sectors, such as education and employment. So, perhaps we are waiting for these agencies to be ready and to prepare for the various implications that come with the contents of the regulation. We have consistently pushed for the Regent Regulation to be ratified immediately. During DPRD meetings with the Regent and relevant agencies, we always ask when the Regent Regulation will be

issued. But perhaps, yes, it's also due to budget-related matters and the fact that there are many other Regional Regulations. The Regional Government has its own priorities in deciding which Regent Regulation should be issued first."

Meanwhile, in response to the Regent's Regulation on Disabilities, which has not yet been issued, the Chairperson of FKDK stated:

"We hope that the Regent's Regulation will be ratified soon so that our friends can have access. If our friends can be empowered, we can also prove to the community that people with disabilities can be independent. We have continued to encourage, Ma'am, and even the National Disability Commission, when it was present in Kudus, also had an audience with the regent. We also encourage through the media and various forums. The Regional Regulation has been in place since 2021, but until now, there has been no follow-up. Moreover, the regent has changed, and the momentum of the Regional Head Election is approaching, making it even more uncertain when the Regional Regulation can be enacted."

The Head of the Kudus Disability Communication Forum (FKDK) stated that this Regional Regulation must be implemented immediately with the issuance of the Regent Regulation. At this point, people with disabilities in Kudus have experienced various obstacles or barriers to accessing multiple public services. His party also continues coordinating with the National Disability Commission to encourage the Kudus Regency Government to issue the Regent Regulation immediately. The obstacle that will be faced is the momentum of the Regional Head Election, where there will be a change of regent, which allows the Regent Regulation to take longer to be ratified. Mr. A, as Kudus's disability activist, stated:

"The momentum of the regional election (Pilkada) has also been one of the factors delaying the issuance of the Regent Regulation (Perbup). I believe that drafting the legal framework for the Disability Regional Regulation is not tricky. The real issue lies in the commitment of the Regent. Under the previous administration, the Disability Regulation was not a priority. Meanwhile, during

the leadership of the Acting Regent (PLT), he strongly supported the issuance of the Perbup. Still, it was hindered by the regulation that an Acting Regent is not authorized to issue a Perbup. So, after this election, we will continue to push for the Perbup to be enacted during the current leadership term.”)

Regarding the Regional Regulation on Disabilities, there has been effective communication between the target group (people with disabilities) and the legislative institution. This can be seen from the participation of people with disabilities in drafting the text, discussing, and ratifying the Regional Regulation. Communication between legislative and executive institutions has also been implemented. This can be observed from examining the Regional Regulation on Disabilities in meetings between the DPRD, the regent, and related agencies. The type of communication between the executive and legislative institutions is called a horizontal communication pattern. However, after the enactment of the Regional Regulation (Perda), the Kudus Regency Government has yet to issue a Regent Regulation (Perbup). The Regional House of Representatives (DPRD) has encouraged its issuance, but there has been no concrete action from the local government.

Following the enactment of the Regional Disability Regulation, communication between the Regent and the designated Regional Government Organizations (OPDs) responsible for implementing the Regent Regulation (Perbup) was ineffective. Although the Regent convened a meeting with the OPDs to discuss the Perbup, misunderstandings arose, and his directives were not acted upon. At the same time, the local government also encountered challenges in communicating with the intended target group. To push for the Regent Regulation (Perbup) issuance, the National Commission on Disabilities held a meeting request with the previous Regent of Kudus; however, they were not received in person. The National Commission on Disabilities only met with the Social Affairs Office. This was conveyed by Mr. A:

“I had hoped that the Regent could meet with the National Disability Committee at that time, but he was unavailable, so he was only represented by the Social Affairs Office. Yet, that was an

important moment to discuss the enactment of the Regent Regulation (Perbup)."

The situation has led to frustration among people with disabilities, particularly among advocacy groups like the Kudus Disability Communication Forum (FKDK) that have actively pushed for adopting the Regional Regulation. Confidence in the government's dedication to building an inclusive city has continued to erode. As Edward pointed out, this lack of effective communication can create misunderstandings and misperceptions within the community. To prevent policy distortion, the objectives and targets of the regulation must be effectively communicated. According to Edward, communication is a critical factor influencing the success of policy implementation. However, specific communication barriers can hinder effective regulation enforcement, such as unclear messaging, inconsistency, lack of transparency, and insufficient communication channels.

Regarding clarity, the interaction between stakeholders and target groups has generally been well-established. Nevertheless, message inconsistency remains an issue. For example, although the regent has met with the DPRD and target groups to discuss the regulation, delays in issuing a supporting Regent Regulation reflect a lack of consistency that must be addressed. In terms of transparency, no significant issues were found, as both executive and legislative branches have attempted to maintain open lines of communication with the public.

However, communication infrastructure still requires significant improvement. A broader range of communication channels is needed to enhance both top-down communication from policymakers to the public and bottom-up communication from the community to decision-makers. Additionally, because the Regional Regulation on Disabilities targets a specific group, it tends to receive limited attention and support from the broader public, many of whom remain unaware of its existence or contents. This lack of public engagement and oversight contributes to the Regional Government's reluctance to prioritize the issuance of a supporting Regent Regulation.

On the other hand, the fact that the previous regent has promised to make a Regent Regulations on people with disability proves there is a commitment from the regent about this regulation. Nevertheless, until

the end of the regent's leadership period, the regulation has not been made or drafted by the regional apparatus organization. It implies the misalignment of action between the previous regent and its regional apparatus organization. This policy implementation can be explained through acceptance and action theory. According to Wüstenhagen et al. (2007), policy acceptance includes public acceptance of the policy and acceptance by the implementer because different actors have different perspectives. Furthermore, Kalanteri & Fatemeh (2018) mention three interdependent aspects of public acceptance: a) socio-political acceptance of policy makers, policy implementers, and stakeholders; b) public acceptance (related to the fairness of policy-making procedures, distributional justice, and trust); c) market acceptance. This is also in line with what was written by Sven Nelissen and Bartels in Vlassenroot (2008) that acceptance must be seen from the growing awareness that policy making, implementation, and evaluation must occur in two directions, where interaction, transactions, and communication with the community are key elements.

Policy acceptance is the acceptance by the public and implementers of a minimum age restriction policy, expressed through attitudes (understanding, agreement, or rejection) and intentions/conations (tendency to comply or disobey). Meanwhile, policy non-acceptance is defined as the non-acceptance of the implementer and the public to a minimum age restriction policy, expressed through attitudes (rejection) and intentions/conations (tendency to disobey the policy). Attitudes are defined by several experts as follows: 1) Louis Thurstone, Rensis Likert, and Charles Osgood define attitude as a form of evaluation or emotional reaction. A person's attitude toward an object is a feeling of support or favor (favorability) or disfavor toward a particular object. Thurstone defines attitude as the degree of positive or negative effect on a psychological object. 2) Secord & Backman define attitude as a certain regularity in terms of a person's feelings (affect), thoughts (cognition), and predisposition to action (conation) towards an aspect of their surrounding environment (Azwar, 2002: 4–5).

According to Merilee S. Grindle (1980), the success of public policy implementation is determined by two main variables: content variables and context variables. Content variables are contained within a

public policy that influences the implementation process. Context variables describe how the political context and administrative activities influence the implemented public policy. Policy content (Content Variables) includes: (1) Interests affected by the policy; (2) Types and benefits to be achieved; (3) Degree of desired change; (4) Position of policymakers; (5) Program implementers; (6) Resources mobilized. Meanwhile, the implementation context includes: (1) power, interests, and strategies of the actors involved; (2) characteristics of institutions and authorities; and (3) compliance and responsiveness. (Turner, Mark; Hulme, 1997: 75). Grindle illustrates these content and context variables in Figure 2.3. Furthermore, Ripley, Randall. B. & Franklin (1986) created criteria for measuring implementation success based on three aspects, namely: 1) the level of bureaucratic compliance with the bureaucracy above it or the bureaucratic level as regulated in law; 2) the smooth running of routines and the absence of problems; and 3) the implementation and desired impact (benefits) of all existing programs are directed.

The fact that the regional apparatus organization did not comply with the policy given by the previous regent in this case shows that there might be a misunderstanding in the process that obstructs the cognition process in making a draft of regulation about people with disability. Looking back at the explanation of content and context variables, it can be argued that the content variable of the implementation policy about disability regulation faces obstacles because the content of it only focuses on a few people in the Kudus regency, and none of the people working in the regional apparatus organization are disabled. Nevertheless, those few people must fulfill their rights as mandated in national and regional law. Meanwhile, from the context variables, it is understood that the previous regent mandated the drafting of the regulations only a few months before his leadership ended, and there is no continuity with the new regent regarding this matter.

Regarding resources, every policy must be supported by adequate resources, both human resources and financial resources. Resources that support the Regional Regulation on Disabilities include social welfare workers, professional social workers, social volunteers, and social counselors. The Kudus Regency Social Service is a government institution that works to improve the welfare of vulnerable communities,

including people with disabilities. The Kudus Regency Social Service has a strategic role in improving the welfare and independence of people with disabilities through various empowerment and social support programs.

Mr. AY pointed out that budget limitations may be one of the factors contributing to the delay in issuing the Regent Regulation (Perbup). Once the Perbup is officially enacted, the Regional Government and all relevant OPDs must be ready with financial plans, adequate resources, and supporting infrastructure to ensure accessibility for persons with disabilities. Despite this, through the Social Affairs Office, the local government has continued supporting disability empowerment initiatives. Based on an interview with the Head of the Kudus Regency Social Service, several initiatives have been implemented by the Kudus Regency Social Service in empowering people with disabilities, including 1) skills training and equipment assistance, such as sewing and culinary skills along with equipment assistance to support independent businesses; 2) distribution of assistive devices for people with disabilities, such as wheelchairs, canes, hearing aids, and three-wheeled vehicles to facilitate the mobility of physical disabilities; 3) establishment of a Sheltered Workshop for intellectual disabilities located in the Demaan Village Hall; and 4) facilitation of access to health and JKN, where the Social Service collaborates with BPJS Kesehatan to ensure that people with disabilities have access to health services through the JKN Program. The Social Service also helps register people with disabilities who are not yet registered or whose status is inactive in this program.

Empowering persons with disabilities should not be viewed as the exclusive duty of the Social Affairs Office, but rather as a shared responsibility that requires cross-sector collaboration. To make this happen, the Regional Government needs to actively coordinate with all relevant OPDs to ensure that advancing and upholding the rights of people with disabilities is treated as a structured and strategic priority to create an inclusive city.

Once the Disability Regent Regulation is enacted, it is essential to establish inter-agency collaboration to safeguard and uphold the rights of individuals with disabilities. Enhancing the knowledge and capacity of leaders and staff within relevant institutions on disability-related matters

is also crucial. Furthermore, proper budget allocation is necessary to support the effective implementation of the regulation.

The disposition aspect in Edward's policy implementation mechanism refers to the characteristics of the policy implementer. Essential attributes for the implementer include honesty, commitment, and democracy. During policy implementation, those responsible should show strong motivation to execute the policy, maintain a positive outlook toward supporting it, exhibit commitment and loyalty in carrying out their duties, be prepared to implement the policy, and thoroughly understand it.

In the last four years, various Regent Regulations have been issued. In 2023, 28 Regent Regulations were issued; in 2024, 20 Regent Regulations were issued. However, the Regent Regulation on Disabilities has not yet been issued. This has an impact on the delay in efforts to protect and fulfill the rights of people with disabilities. From the disposition perspective, the postponement in releasing the Disability Regent Regulation (Perbup) stems from insufficient motivation and commitment among implementers to ensure the protection and realization of the rights of persons with disabilities. As a minority group, persons with disabilities are often subjected to negative stigma. Consequently, policies concerning minority groups are frequently regarded as less strategic or urgent to be implemented promptly. Nonetheless, safeguarding and fulfilling the rights of persons with disabilities is a legal obligation that must be honored.

The Kudus Regency Government could learn from the successful approaches of other regions already implementing a Disability Regent Regulation (Perbup). A notable example is Jepara Regency, which shares a border with Kudus. In Jepara, the commitment to upholding the rights of persons with disabilities is reflected in the provision of job opportunities, as the local government mandates that all operating companies reserve a specific quota for individuals with disabilities.

During the 2024 Regional Head Election (Pilkada) campaign period in Kudus Regency, disability issues became one of the topics raised by each candidate pair in their campaigns. The emergence of disability issues in the election is a positive first step in raising public awareness of disability matters in Kudus Regency. However, disability issues should not merely serve as campaign commodities, but should also

reflect a genuine commitment by the new local government to prioritize disability as a key program. The new regional government is expected to promptly issue the Regent Regulation (Perbup), so that the Regional Regulation (Perda) enacted in 2021 can be implemented without further delay.

The bureaucratic structure consists of two key components: the operational mechanisms and the organizational framework responsible for implementation. Policy implementation involves multiple layers of bureaucracy, ranging from decision-makers to field-level executors. Successful implementation relies heavily on effective coordination among the various government bodies or regional agencies (OPDs). A lack of coordination can fail to execute the policy properly. Each bureaucratic unit must be equipped with sufficient resources such as funding, personnel, and infrastructure and the necessary capacity to implement the policy. Moreover, the structure should incorporate systems for oversight and evaluation to monitor progress and make adjustments when challenges occur.

In the context of implementing the Regional Regulation on Disabilities, there must be clarity on the division of tasks between OPDs (Regional Apparatus Organizations). The Social Service is the leading sector in implementing policies on disabilities. There needs to be a clear division of tasks for related OPDs, such as the Education Service, Health Service, Manpower Service, and PUPR Service. The Regional Regulation on Disabilities has been established, but the technical instructions for its implementation (Regent Regulation/Regent Regulation) are still in the planning stage or have not been enacted. This causes not all bureaucratic apparatus to have an explicit work reference when carrying out tasks related to persons with disabilities. Implementation of the Regional Regulation on Disabilities also requires cross-sector coordination, such as disability organizations and the private sector. The bureaucratic structure in the regions also often changes. This has an impact on the slow response of the bureaucracy to the urgent needs of persons with disabilities. The transition in regent leadership has also played a role in delaying the issuance of the Disability Regent Regulation (Perbup). Leadership changes often impact the bureaucratic structure below, as the incoming regent typically introduces new

program priorities and adopts a leadership approach that differs from their predecessor's.

Several recommendations can be made to address the delays in enacting the Disability Regent Regulation (Perbup).

Regional government as a policymaker must consider that disability issues should not be treated merely as campaign commodities. Therefore, the ratification of the Perbup must be made a priority and enacted without further delay. In the communication aspect, the Regional Government needs to communicate and coordinate with the relevant Regional Government Organizations (OPDs) regarding the follow-up to the Disability Regional Regulation (Perda). All OPDs must comprehensively understand the content of the Perda. Disability groups such as the Kudus Disability Communication Forum (FKDK) also play an essential role in overseeing the realization of the Disability Perbup by continuing to conduct lobbying and meetings with the new regional government and actively coordinating with the National Commission on Disabilities.

Regarding resources, the Regional Government needs to form a special team to follow up on drafting the Perbup. This special team is necessary to prevent miscommunication like what occurred under the previous leadership. The local government must also ensure sufficient financial resources and prepare the human resources required for the ratification and implementation of the Perbup. In terms of disposition, the Regional Government must demonstrate stronger motivation and commitment to protecting and fulfilling the rights of persons with disabilities. This commitment should be reflected in concrete steps, such as initiating discussions on the draft of the Disability Perbup. From a structural aspect, the Regional Government should map out the relevant OPDs and define their responsibilities once the Perbup is enacted. Since implementing the Perbup requires cross-sector collaboration, maintaining strong communication and coordination is vital. The policy must also be effectively socialized to the village-level governments so they can fully understand the urgency of fulfilling the rights of persons with disabilities. Proper socialization helps prevent differing interpretations of the policy.

Conclusion

The hope of establishing Kudus City as an inclusive city, especially for the disabled group, faces a challenge the less-than-optimal implementation of the Disability Regional Regulation in Kudus. This study fills the gap in previous research, which generally focuses more on the positive impact of achieving the implementation of the Disability Regional Regulation and its evaluation, by presenting empirical facts about the relationship between the Regional Regulation and the Disability Regent Regulation, as well as the obstacles and constraints in implementing the Regional Regulation in Kudus City. The ineffectiveness of implementing the Disability Regional Regulation in Kudus requires legal reform, which in this study was found to be due to the absence of the Disability Regent Regulation.

Additionally, the theory employed in this study is the policy implementation theory of George C. Edward. The results of this study indicate that four variables can be used to evaluate disability regulation in Kudus: communication, resources, disposition, and bureaucratic structure. This study reveals that ineffective communication between the regional government and its subordinate institutions has impeded the progress of drafting the Regent Regulation (Perbup). In terms of resources, the lack of adequate funding and unprepared human resources posed significant challenges to implementing the Regional Regulation (Perda) on Disabilities. Regarding disposition, the regional government has yet to show a firm commitment to ensuring the protection and fulfillment of the rights of persons with disabilities. Structurally, changes in leadership following the regional elections led to shifts in leadership styles and the underlying bureaucratic framework.

To address these issues, it is recommended that a dedicated task force be formed to expedite the Perbup drafting process. Additionally, the regional government should enhance cross-sector communication and coordination. A strong and visible commitment to disability-related issues is essential, and this must be reflected by making it a top priority in building an inclusive city.

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