

Legal Protection for Workers with Disabilities in Indonesia: Implementation Analysis and Comparison with Japan from a Labor Justice Perspective

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Abstract

Workers with disabilities in Indonesia continue to face legal, structural, and social barriers to obtaining and maintaining employment in the formal sector, despite a legal framework that recognizes equal employment rights and freedom from discrimination. These barriers include fragmented regulations, weak institutional coordination, limited accessibility, inadequate workplace support, weak monitoring, and inconsistent enforcement. This study aims to analyze the legal implementation of disability employment protection in Indonesia through secondary evidence and to identify legal and institutional factors affecting its operation, while comparing Indonesia's legal and institutional mechanisms with those of Japan. This normative-juridical study employs a comparative approach to relevant legislation, international legal instruments, policy documents, official reports, available data, and academic literature. The findings indicate that the main challenge lies not in the absence of legal recognition but in the limited operationalization of legal norms, weak oversight capacity, and inconsistent enforcement mechanisms. The comparison shows that Japan combines statutory protection with more developed



administrative mechanisms, including employment reporting, reasonable accommodation guidance, and incentive-based compliance measures. The study concludes that strengthening disability employment protection in Indonesia requires clearer operational standards, stronger institutional coordination and oversight, more consistent enforcement, and contextual adaptation of relevant comparative practices. The study contributes to understanding how the protection of workers with disabilities depends not only on normative recognition but also on the institutional and administrative mechanisms that translate legal rights into effective protection.

KEYWORDS

Disabled Workers, Legal Protection, Employment Law, Policy Implementation, Indonesia-Japan Comparison.

HOW TO CITE:

Chicago Manual of Style Footnote:

¹ Salman Alfarisi and Ratih Damayanti, “Legal Protection for Workers with Disabilities in Indonesia: Implementation Analysis and Comparison with Japan from a Labor Justice Perspective,” *Semarang State University Undergraduate Law and Society Review* 6, no 1 (2026): 101-138, <https://doi.org/10.15294/lsr.v6i1.35803>.

Chicago Manual of Style for Reference:

Alfarisi, Salman, and Ratih Damayanti. “Legal Protection for Workers with Disabilities in Indonesia: Implementation Analysis and Comparison with Japan from a Labor Justice Perspective.” *Semarang State University Undergraduate Law and Society Review* 6, no 1 (2026): 101-138. <https://doi.org/10.15294/lsr.v6i1.35803>.

Introduction

Workers with disabilities are a social group that still occupies a vulnerable position in the formal labor market structure in Indonesia. This inequality is not solely caused by individual limitations or disability characteristics, but is also influenced by structural and institutional factors that limit their participation¹. These barriers include social stigma, limited accessibility in the workplace, and employment practices that do not fully accommodate the special needs of people with disabilities². This phenomenon demonstrates a significant gap between legal norms that formally promise equality and inclusion, and the social reality that remains exclusive. This gap not only results in violations of the constitutional rights of people with disabilities but also hinders the achievement of the goals of social justice and inclusive development to which the state is committed³.

Normatively, Indonesia has established a substantial legal framework for protecting the rights of workers with disabilities through national legislation and international human rights commitments. Law Number 8 of 2016 concerning Persons with Disabilities provides the most specific legal foundation for the employment rights of persons with disabilities. Article 45 requires the Government and Regional Governments to ensure fair and non-discriminatory recruitment, hiring, vocational training, job placement, employment retention, and career development for persons with disabilities. This protection is further supported by Article 49, which guarantees equal remuneration for work of the same type and responsibility, Article 50, which requires employers to provide reasonable accommodation and accessible facilities, and Article 53, which establishes

¹ Asep Suryahadi, "Disability and Labor Market Exclusion: Evidence from Indonesia," *Sustainability Science and Resources* 2, no. 1 (2022), <https://doi.org/10.55168/ssr2809-6029.2022.2004>.

² Yeski Putri Utami, Winda Afriyanti, and Aliyyah Najmah Kamiilah, "Keterbatasan vs Kesempatan: Analisis Akses Dan Stigma Penyandang Disabilitas Pada Pasar Kerja Formal," *Jurnal ISO: Jurnal Ilmu Sosial, Politik Dan Humaniora* 5, no. 1 (2025), <https://doi.org/10.53697/iso.v5i1.2208>.

³ Imam Wicaksono, "Access to Justice for People with Disabilities in Employment," *Jurnal Hukum Volkgeist* 4, no. 1 (2019), <https://doi.org/10.35326/volkgeist.v4i1.402>.

minimum employment quotas of 2 percent for the Government, Regional Governments, State-Owned Enterprises, and Regional-Owned Enterprises, and 1 percent for private companies. Law Number 13 of 2003 concerning Manpower, as amended by subsequent legislation, including Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 on Job Creation into Law, provides the general employment framework, including the principles of equal opportunity and equal treatment without discrimination in employment under Articles 5 and 6. At the international level, Indonesia ratified the Convention on the Rights of Persons with Disabilities (CRPD) through Law Number 19 of 2011. In particular, Article 27 of the CRPD recognizes the right of persons with disabilities to work on an equal basis with others and requires States Parties to prohibit disability-based discrimination in recruitment, employment, retention, and career advancement, while promoting reasonable and accessible working conditions and equal remuneration. Taken together, these instruments establish a rights-based legal framework covering non-discrimination, access to employment, employment retention and advancement, reasonable accommodation, equal remuneration, and affirmative employment measures. The relevant issue, therefore, is not merely the existence of these normative guarantees, but the extent to which they are translated into coherent, operational, and enforceable mechanisms for protecting workers with disabilities.

Several previous studies have highlighted the employment conditions of people with disabilities in Indonesia. Based on analysis of national employment data, labor force participation of people with disabilities is consistently lower than that of the population without disabilities⁴. However, research also finds that people with disabilities have the motivation and potential to work, provided equal opportunities and supportive working conditions are provided. Factors influencing employment opportunities include education level, marital status, type and

⁴ “Menaker: Penyandang Disabilitas Yang Bekerja Baru Sekitar 7,5 Juta - ANTARA News Jambi,” accessed February 2, 2026, <https://jambi.antaranews.com/berita/433551/menaker-penyandang-disabilitas-yang-bekerja-baru-sekitar-75-juta>.

severity of disability, and previous work experience⁵. Furthermore, legal studies highlight Law Number 8 of 2016 as a milestone in the paradigm shift from a social welfare approach to a rights-based approach⁶. However, most research tends to be normative or descriptive, thus failing to thoroughly examine the implementation, oversight, and enforcement aspects that influence the effectiveness of employment policies.

The limitations of previous research indicate that employment issues for people with disabilities cannot be understood solely as a matter of regulation or social attitudes, but also as a structural issue in the design and enforcement of legal policies⁷. This underscores the need for a more comprehensive analysis that assesses not only the existence of legal norms but also how they operate in practice. In other words, research needs to link the normative framework, policy design, oversight mechanisms, and the reality of implementation on the ground. With this in mind, a comparative perspective is necessary. Japan was chosen as a comparison country because it has a written legal system relatively comparable to Indonesia's and has long implemented a disability quota policy for labor. The Japanese system is accompanied by more operational administrative oversight mechanisms, economic incentives and disincentives for employers, and an integrated vocational training program⁸. This comparative approach allows for a critical analysis of Indonesia's position and demonstrates how policy design influences the effectiveness of protecting the rights of workers with

⁵ Siti Nurhayati, "Social Inclusion For Persons With Disabilities Through Access To Employment In Indonesia," *Prophetic Law Review* 2, no. 1 (2020), <https://doi.org/10.20885/plr.vol2.iss1.art1>.

⁶ Sherly Putri Nurhayati et al., "Protection of Disability in the World of Work Through Law Number 8 of 2016," *Disable* 1, no. 1 (2025), <https://doi.org/10.26740/disable.v1i1.40360>.

⁷ Rachmadani Fatria Agung Gumelar and Martinus Sardi, "Indonesian Government Policy To Provide Employment Opportunities For Persons With Disabilities," *Media of Law and Sharia* 2, no. 2 (2021), <https://doi.org/10.18196/mls.v2i2.11486>.

⁸ "Levy and Grant System for Employing Persons with Disabilities | Japan Organization for Employment of the Elderly and Person," accessed February 2, 2026, https://www.jeed.go.jp/english/disability/levy_and_grant_system.html.

disabilities. This comparison also identifies relevant best practices that can be adapted to Indonesia's legal and social landscape.

This research is based on three main and complementary theoretical frameworks. The first is Soerjono Soekanto's theory of legal effectiveness, which identifies five interrelated factors influencing the functioning of law: legal substance, legal structure, facilities and infrastructure, legal culture, and society as the legal subject. Although these factors extend beyond the normative content of legislation, the theory is used in this study as an analytical framework rather than as an instrument for empirically measuring legal effectiveness through field research. The five factors are examined through the analysis of legislation, institutional arrangements, official documents, available data, and previous empirical studies concerning the employment of persons with disabilities. Legal substance is examined through the content and coherence of relevant regulations, while legal structure is considered through the roles and responsibilities of institutions responsible for employment protection and enforcement. Facilities and infrastructure are assessed in relation to mechanisms supporting the implementation of employment rights, including accessibility and reasonable accommodation, whereas legal culture and societal factors are examined through documented findings concerning attitudes, discrimination, and acceptance of workers with disabilities. This approach enables the study to identify the gap between the normative design of disability employment protection and its documented implementation without claiming to provide a direct empirical measurement of all five factors.

The second framework is Roscoe Pound's concept of law in the books and law in action. Pound distinguishes between law as formally established in legal rules and law as it operates through institutions and social practices. In this study, law in the books refers to the normative framework governing the rights and protection of workers with disabilities, including provisions on non-discrimination, employment quotas, reasonable accommodation, equal treatment, and institutional responsibilities. Law in action is examined through available secondary evidence that documents the implementation of these legal provisions, including official government reports, institutional data, policy documents, and findings from previous

empirical studies. The framework is therefore not used to claim direct observation of legal implementation, but to identify and analyze documented gaps between the rights and obligations established by law and their reported operation in employment practices. This analysis helps reveal how institutional arrangements, administrative mechanisms, enforcement practices, and social conditions may affect the translation of formal legal guarantees into effective protection for workers with disabilities.

The third framework is the rights-based approach, which places human rights at the center of the analysis by treating persons with disabilities as rights-holders and the state and other responsible actors as duty-bearers. In the employment context, this approach requires the protection of the right of persons with disabilities to work on an equal basis with others, including equal opportunity and treatment in recruitment, employment, retention, career advancement, remuneration, vocational training, and access to safe and accessible working conditions. These principles are expressly reflected in Article 27 of the Convention on the Rights of Persons with Disabilities (CRPD), which requires States Parties to prohibit disability-based discrimination in employment and promote reasonable accommodation and accessible working environments. The approach is particularly relevant to this study because it allows the Indonesian legal framework to be assessed not merely according to the existence of formal legal provisions, but according to whether those provisions recognize, protect, and facilitate the substantive enjoyment of employment rights by persons with disabilities. In conjunction with Law Number 19 of 2011 ratifying the CRPD and Law Number 8 of 2016 concerning Persons with Disabilities, the rights-based approach provides a normative basis for examining non-discrimination, reasonable accommodation, equal employment opportunities, employment quotas, and institutional obligations toward workers with disabilities. It also provides a basis for identifying legal gaps or inconsistencies that may hinder the effective fulfillment of these rights.

The combination of these three theoretical frameworks yields a comprehensive analysis. Soekanto's theory of legal effectiveness explains the working mechanisms of law within a social system; Pound's theory highlights the gap between written norms and actual practice. At the same

time, a rights-based approach ensures the analysis is grounded in substantive justice and respect for human dignity. In the comparative research between Indonesia and Japan, these three frameworks are used to assess differences in policy design, oversight mechanisms, sanctions, and the effectiveness of protecting the rights of workers with disabilities, thus providing a comprehensive understanding of how the law works to achieve social justice for vulnerable groups.

This research is expected to provide theoretical and practical contributions. Theoretically, the research enriches the discourse on the relationship between legal norms and their implementation in protecting vulnerable groups. In practice, the research findings can serve as the basis for the formulation of more operational, measurable, and law-enforcement-oriented employment policies. The comparative approach to Japan offers relevant and contextual policy lessons for Indonesia and adds value for international readers. Thus, this article not only broadens academic understanding but also supports the creation of a more inclusive and equitable labor market.

Method

This research uses a normative-legal approach with an analytical-comparative character, combined with an empirical literature review to obtain a comprehensive picture of the protection of workers' rights for people with disabilities in the formal employment sector. The normative-legal approach was chosen because the primary focus of this research is to examine legal norms, public policies, and legal principles governing the rights and obligations of the state and employers towards workers with disabilities. In employment law, this approach is relevant to assessing the extent to which laws and regulations have been adequately formulated and how these normative designs influence the practice of rights protection. This research does not aim to measure individual behavior statistically, but rather to understand the legal structures, policies, and institutional mechanisms that shape the employment realities of people with disabilities.

The research method is doctrinal legal research using a comparative law approach. The doctrinal approach is employed to examine Indonesian

laws and regulations governing the protection of workers with disabilities, particularly Law Number 8 of 2016 concerning Persons with Disabilities, Law Number 13 of 2003 concerning Manpower as amended by subsequent legislation, and relevant implementing regulations concerning disability employment, reasonable accommodation, and employer obligations. The analysis also examines the Convention on the Rights of Persons with Disabilities (CRPD) as the relevant international human rights instrument, particularly its provisions concerning the right to work and employment. The CRPD is examined in conjunction with Law Number 19 of 2011 concerning the Ratification of the Convention on the Rights of Persons with Disabilities, which provides the legal basis for Indonesia's ratification of the Convention and connects its international standards with Indonesia's national legal framework. The comparative law approach uses Japan as the comparison jurisdiction to examine similarities and differences in the legal protection of workers with disabilities, particularly with regard to non-discrimination, employment quotas, reasonable accommodation, institutional mechanisms, monitoring, and enforcement. Japan is selected because its legal framework provides a useful comparative reference for examining the institutional and operational mechanisms governing disability employment, while the comparison is used to identify practices that may be relevant to strengthening the Indonesian framework rather than to assume that the Japanese model can be directly transplanted.

The data sources in this study are entirely secondary, comprising primary, secondary, and tertiary legal materials. Primary legal materials include Indonesian national laws and international agreements relevant to disability and employment issues. Secondary legal materials include legal textbooks, national and international scientific journal articles, policy reports, and previous research findings on the employment of persons with disabilities, both from a legal and a public policy perspective. Furthermore, this study uses institutional reports and empirical surveys, such as those on the employment and education of persons with disabilities, to provide factual context for the normative analysis. Tertiary legal materials are used to a limited extent to assist in the exploration of relevant legal concepts and terms.

Data collection was conducted through systematic, targeted library

research. The literature search identified scientific publications published within the last five years to ensure the relevance and recency of the sources used, particularly regarding developments in disability and employment policy. The literature was collected from reputable law and policy journals, international organization reports, and official government publications. This study also examined disability employment regulations and policies in Japan through a comparative approach, drawing on legal documents, government reports, and openly accessible academic studies. All sources were then sorted based on their substantive relevance and academic credibility.

Data analysis was conducted qualitatively using normative and comparative analysis methods. Normative analysis was conducted by interpreting applicable legal provisions, identifying underlying legal principles, and assessing the coherence and comprehensiveness of regulations related to the protection of the rights of workers with disabilities. This analysis went beyond describing norms and examined the legal implications of existing policy designs, particularly regarding state obligations, employers' roles, oversight mechanisms, and sanctions. Furthermore, comparative analysis was used to identify similarities and differences between the Indonesian and Japanese policy frameworks, to draw relevant and contextual policy lessons for Indonesia.

To maintain analytical clarity, this study utilizes the conceptual framework of law in the books and law in action as analytical tools. This framework explains the gap between written legal norms and the reality of policy implementation on the ground, without conducting direct field research. Thus, this study remains within the scope of normative legal research while being sensitive to the social realities reflected in secondary empirical data. This approach allows the author to identify structural issues in law enforcement without veering into purely empirical research.

A limitation of this study is the lack of primary data from interviews or direct observation of labor practitioners. Consequently, the analysis of policy implementation relies heavily on available reports and previous research. However, this limitation also confirms this article's position as a legal and policy review (review-analytical article) aimed at strengthening conceptual and normative arguments. Acknowledging these limitations,

this study is expected to make a significant contribution to enriching the discourse on labor and disability law and to serve as a foundation for future empirical research.

Result & Discussion

A. Legal Framework for the Protection of the Rights of Workers with Disabilities in Indonesia

The legal framework for protecting the rights of workers with disabilities in Indonesia normatively demonstrates the state's recognition of the principles of equality, non-discrimination, and human rights protection in the employment sector. This recognition positions persons with disabilities as legal subjects with equal standing with other citizens in obtaining employment, maintaining employment relationships, and receiving fair and dignified treatment in the formal workplace. From a public law perspective, this recognition not only reflects the state's moral commitment but also creates binding legal obligations for policymakers and government administrators. Therefore, the protection of the rights of workers with disabilities cannot be understood merely as an affirmative policy, but rather as an integral part of the state's constitutional obligation to guarantee the right to work and a decent living for all citizens, without exception.

Constitutionally, the basis for this recognition stems from the guarantee of the right to work and a decent living for humanity, which applies universally and does not discriminate based on a person's physical or mental condition. This principle is reinforced by Indonesia's commitment to international law through its ratification of the Convention on the Rights of Persons with Disabilities (CRPD), which affirms that disability must be viewed within a rights-based framework, not pity⁹. This ratification places the country under an obligation to adjust

⁹ Laurensius Arliman S., Elfrida Ratnawati, and Aida Abdul Razak, "Legal Guarantees for Persons with Disabilities to Secure Decent Work: A Human Rights Perspective

national laws to align with international standards, including those on inclusive employment. The state's obligations do not stop at normative recognition, but also include the obligation to respect, protect, and fulfill the rights of workers with disabilities through clear and enforceable legal instruments.

The national regulatory landscape governing the protection of workers' rights with disabilities demonstrates that Indonesia has a relatively comprehensive set of legal instruments. Law Number 8 of 2016 concerning Persons with Disabilities serves as the primary foundation, explicitly regulating the right to employment, state obligations, and employer responsibilities in realizing employment inclusion. This law shifts the old charity-based paradigm toward a rights-based approach, positioning persons with disabilities as rights holders rather than merely objects of protection. It stipulates the obligations of government agencies, regional governments, state-owned and regional enterprises, and private companies to employ a certain percentage of persons with disabilities¹⁰. This regulation normatively affirms that employers are the legal actors with a direct obligation to fulfill these rights.

In addition to Law No. 8 of 2016, Indonesia's labor legal framework is also supported by Law No. 13 of 2003 concerning Manpower, which stipulates the principle of non-discrimination in employment relations. Although this law is not explicitly designed to accommodate the needs of workers with disabilities, its general principles remain relevant as a legal umbrella for protecting workers from unfair treatment. At the derivative policy level, there are also government regulations and ministerial regulations governing reasonable accommodation, disability employment service units, and the obligation to monitor the fulfillment of the rights of persons with disabilities. Normatively, this regulatory configuration

from Indonesia," *Jurnal Wawasan Yuridika* 8, no. 2 (2024), <https://doi.org/10.25072/jwy.v8i2.4463>.

¹⁰ Istifarroh Istifarroh and Widhi Cahyo Nugroho, "PERLINDUNGAN HAK DISABILITAS MENDAPATKAN PEKERJAAN DI PERUSAHAAN SWASTA DAN PERUSAHAAN MILIK NEGARA," *Mimbar Keadilan* 12, no. 1 (2019), <https://doi.org/10.30996/mk.v12i1.2164>.

demonstrates that the country does not operate in a legal vacuum when it comes to protecting workers with disabilities.

However, when the relationships between these regulations are systematically examined, issues arise regarding the coherence and integration of norms. Regulations regarding the rights of workers with disabilities are scattered across various legal instruments arising from different policy sectors, such as employment, social affairs, education, and development planning. This fragmentation of regulations can lead to overlapping authorities and an unclear division of roles among state agencies. For example, the obligation to fulfill workers' rights with disabilities involves the ministries of employment, social affairs, and vocational education. However, not all of these authority relationships are explicitly formulated within a unified normative framework. Consequently, although substantive norms exist, the legal structures that support them have not been fully integrated into the system.

Another issue that arises in the relationship between regulations is the limited operational implementation of norms. Some provisions in the law stipulate general obligations but are not always accompanied by detailed technical instructions for fulfilling them. Regulations regarding reasonable accommodation standards in the workplace, compliance reporting mechanisms, and oversight procedures are still scattered and not entirely uniform. From an administrative law perspective, this situation has the potential to weaken legal certainty by opening the door to broad interpretation by legal subjects. Norms that lack a clear implementation design risk becoming declarative, meaning they are symbolically strong but operationally weak.

From a normative perspective, the existing legal framework has not yet fully established a strong coercive force to guarantee the fulfillment of the rights of workers with disabilities. Provisions regarding sanctions for violations of legal obligations remain relatively limited, both in terms of the types of sanctions and their enforcement mechanisms. In some regulations, administrative sanctions are more persuasive than repressive, thus preventing the law from performing its preventive and enforcement functions. Furthermore, the generally applicable labor oversight mechanism has not been specifically designed to monitor disability issues as

a stand-alone aspect. Normatively, this situation indicates an imbalance between the recognition of rights and the instruments for their enforcement.

Thus, mapping the legal framework protecting the rights of workers with disabilities in Indonesia reveals a normative paradox. On the one hand, the state has established a legal foundation aligned with human rights principles and international standards, demonstrating its commitment through various regulatory instruments. On the other hand, this legal structure is not yet fully coherent and operational, thus failing to provide substantial legal certainty for the fulfillment of the rights of workers with disabilities. These normative findings constitute the initial results of this research and serve as an important foundation for further analysis of the implementation and enforcement of the law, which will be discussed in more depth in the following sub-chapters.

B. Documented Policy Implementation and Law Enforcement Issues

Although Indonesia has established a relatively comprehensive legal framework for protecting the rights of workers with disabilities, available secondary evidence indicates a persistent gap between the normative framework and its documented implementation. This discussion does not constitute a direct empirical assessment of policy implementation or law enforcement. Rather, it examines the *das sein* of disability employment protection as documented in relevant literature, institutional documents, policy materials, and previous empirical studies. These sources indicate that provisions concerning the right to work, reasonable accommodation, and protection against discrimination have not always been accompanied by sufficiently clear operational mechanisms. The available evidence therefore suggests that the principal challenge lies not only in the formulation of legal norms, but also in translating those norms into institutional and administrative mechanisms capable of supporting their implementation.

One area in which this gap is documented concerns the fulfillment of reasonable accommodation in the workplace. Indonesian legislation recognizes the need to provide reasonable accommodation and accessible

working conditions for persons with disabilities. However, previous studies and available policy literature indicate that the implementation of reasonable accommodation remains uneven. The limited availability of detailed technical standards and implementation guidance may leave considerable room for differences in interpretation among employers and relevant institutions. This condition may result in reasonable accommodation being treated inconsistently rather than as an integral component of the legal protection of workers with disabilities. From a doctrinal perspective, the issue raises questions concerning the clarity, operationality, and enforceability of the relevant legal norms, particularly where statutory obligations require further institutional or technical arrangements.

The available literature also identifies challenges concerning the supervision of employment rights of persons with disabilities. Previous studies on labor inspection indicate that disability-related employment rights have not always received specific attention within the broader labor inspection framework. Alfikro, for example, examines the legal basis and implementation challenges of labor supervision in relation to the fulfillment of the rights of workers with disabilities. Such findings provide secondary evidence of a potential gap between the formal allocation of supervisory authority and the practical operation of that authority. In the framework of this study, the issue is therefore examined not through direct observation of labor inspectors, but through the available legal literature and documented findings concerning the operation of employment supervision¹¹.

Law enforcement is also affected by the design and application of sanctions. The relevant legal framework provides mechanisms for imposing sanctions or other consequences in relation to certain violations of disability employment obligations. However, the literature concerning sanctions for employers that fail to comply with disability employment quotas indicates that the availability of a legal sanction does not necessarily demonstrate that

¹¹ Ananda Alfikro, "Analisis Keabsahan Pengawasan Ketenagakerjaan Menurut UU No. 13 Tahun 2003 Dalam Pemenuhan Hak Pekerja Disabilitas Dalam Tinjauan Hak Asasi Manusia," *Gema Keadilan* 10, no. 1 (2023), <https://doi.org/10.14710/gk.2023.20250>.

the sanction operates effectively as an enforcement mechanism. Fitriani, Santoso, and H.P., for example, examine the construction of sanctions applicable to employers that fail to fulfill disability employment quota obligations. These findings are relevant to the present study because they allow the relationship between normative obligations, sanction design, and documented enforcement issues to be examined without making an empirical claim about the frequency or effectiveness of enforcement based on primary field data¹².

The available secondary evidence further suggests that the implementation of disability employment policies depends on the operational design of the relevant legal and administrative mechanisms. The establishment of employment quotas, for example, requires more than a formal obligation imposed on employers; it also requires supporting mechanisms relating to recruitment, job placement, accessibility, reasonable accommodation, reporting, monitoring, and institutional assistance. Where such mechanisms are insufficiently specified or poorly coordinated, the normative obligation may be difficult to translate into consistent administrative practice. This issue demonstrates the importance of examining not only the substantive content of disability employment regulations but also the institutional arrangements and supporting mechanisms through which those regulations are intended to operate.

Institutional coordination is another issue identified in the available literature and policy framework. The protection of workers with disabilities involves multiple governmental functions, including employment services, social affairs, vocational development, education and training, and broader disability policy. The distribution of responsibilities across these sectors creates a need for coordination between institutions. The available legal and policy materials indicate that the effectiveness of disability employment protection depends on the coherence of these institutional arrangements and the integration of the relevant programs. From the perspective of this study, institutional fragmentation is therefore examined as a structural issue

¹² Titis Fitriani, Budi Santoso, and Zora Febriena H.P., “Konstruksi Sanksi Bagi Pengusaha Yang Tidak Mempekerjakan Pekerja Disabilitas Sesuai Kewajiban Sistem Kuota,” *Rechtjiva* 1, no. 2 (2024), <https://doi.org/10.21776/rechtjiva.v1n2.10>.

that may affect the consistency of legal implementation rather than as a conclusion derived from direct observation of inter-agency relations.

The implementation of disability employment protection is also associated with legal culture and social attitudes toward persons with disabilities. Previous research has documented the persistence of stigma and stereotypes toward persons with disabilities in the workplace. Mustika et al., for example, examine workplace stigma toward workers with disabilities and demonstrate the relevance of social attitudes to the employment experience of persons with disabilities. Such findings are relevant to the analysis because the effectiveness of legal protection cannot be separated entirely from the social environment in which legal norms operate¹³. In a doctrinal study, however, these cultural factors are treated as documented findings from secondary sources that provide context for interpreting the operation of legal norms, rather than as variables independently measured through primary empirical research.

Taken together, the available legal literature, institutional materials, policy documents, and previous empirical studies indicate a persistent gap between the *law in the books* and the documented *law in action* concerning the protection of workers with disabilities in Indonesia. The gap concerns not only the substantive content of legal norms, but also the availability of operational standards, institutional supervision, sanction mechanisms, administrative coordination, and social conditions that influence the realization of employment rights. These findings should not be understood as a direct empirical measurement of the effectiveness of the Indonesian disability employment protection system. Rather, they identify implementation and law enforcement issues documented in the available secondary evidence and provide a basis for the subsequent comparative analysis and formulation of legal implications and directions for strengthening disability employment protection.

¹³ Ella Ayu Septia Mustika et al., "Stigma Pekerja Terhadap Penyandang Disabilitas Di Tempat Kerja," *Perilaku Dan Promosi Kesehatan: Indonesian Journal of Health Promotion and Behavior* 4, no. 2 (2022), <https://doi.org/10.47034/ppk.v4i2.6318>.

C. Comparative Analysis of the Protection of Workers with Disabilities in Indonesia and Japan

A comparison of the protection of workers with disabilities in Indonesia and Japan is important because both jurisdictions recognize the need to promote equal employment opportunities and protect persons with disabilities from discrimination, while adopting different legal and institutional mechanisms to realize those objectives¹⁴. The comparison in this study focuses specifically on the legal protection of workers with disabilities, rather than on disability policy in general. Six dimensions are examined: non-discrimination and equal treatment, access to employment, employment quotas, reasonable accommodation and accessibility, employment retention, career development and equal remuneration, and monitoring, enforcement, sanctions, and incentives. This framework makes it possible to identify the similarities and differences between the two jurisdictions, assess their respective strengths and limitations, and consider which elements of the Japanese framework may be relevant to strengthening the protection of workers with disabilities in Indonesia¹⁵.

Indonesia and Japan share several fundamental features in the protection of workers with disabilities. Both jurisdictions recognize the principle of equal treatment and prohibit discrimination on the basis of disability in employment¹⁶. Both also employ affirmative employment measures through statutory quota systems and provide institutional

¹⁴ Rianda Dirkareshza, Sahda Saraswati Akbar, and Gilang Abi Zaifa, "Exploring Employment Rights for Individuals with Disabilities: A Cross-National Comparative Analysis in The Context of Fair Competition and Sustainable Development Goals," *Alauddin Law Development Journal* 6, no. 2 (2024), <https://doi.org/10.24252/aldev.v6i2.46473>.

¹⁵ Suhartoyo, "Perlindungan Hukum Terhadap Pekerja/Buruh Penyandang Disabilitas Di Indonesia," *Jurnal Masalah-Masalah Hukum* 43, no. 4 (2014).

¹⁶ Satoshi KAWASHIMA, "Reasonable Accommodation and Theories of Discrimination," *Japanese Sociological Review* 74, no. 4 (2024), <https://doi.org/10.4057/jsr.74.677>.

mechanisms intended to support the participation of persons with disabilities in the labor market¹⁷. In addition, both legal systems recognize that formal equality alone is insufficient where workers with disabilities require specific adjustments to participate effectively in employment. These similarities demonstrate a common legal objective: ensuring that disability does not become a basis for exclusion from employment. The principal differences therefore concern the scope, structure, and degree of operationalization of the mechanisms used to realize these rights.

In Indonesia, Law Number 8 of 2016 concerning Persons with Disabilities provides a specific legal basis for the protection of employment rights. It recognizes the right of persons with disabilities to obtain work and requires the Government and Regional Governments to ensure fair and non-discriminatory recruitment, placement, training, employment retention, and career development. The law also establishes obligations concerning reasonable accommodation and accessibility and requires the Government, Regional Governments, State-Owned Enterprises, and Regional-Owned Enterprises to employ at least 2 percent persons with disabilities, while private companies are required to employ at least 1 percent¹⁸. The law further provides for incentives for private companies that employ persons with disabilities. These provisions constitute a significant strength of the Indonesian framework because the rights of workers with disabilities are expressly recognized and supported by affirmative obligations. Its limitation, however, lies in the need for more detailed and coordinated mechanisms through which these substantive guarantees can be consistently implemented, monitored, and evaluated¹⁹.

Japan likewise provides a comprehensive legal framework for protecting workers with disabilities. The Act on Employment Promotion

¹⁷ Yoriyuki Harada, Anzu Shiraishi, and Kohei Arai, "The Current State of Employment and Vocational Support Policies for Persons with Disabilities.," 2025.

¹⁸ Ade Ansah Muhamad Fauzi and Muhammad Yasir, "Kewajiban Mempekerjakan Penyandang Disabilitas Menurut Undang-Undang Nomor 8 Tahun 2016 Pada Perusahaan Swasta," *JOURNAL of LEGAL RESEARCH* 1, no. 5 (2019).

¹⁹ Imma Indra Dewi W, "Employment Arrangement for Person with Disabilities in Indonesia in Post-New Order Era," *Indonesian Comparative Law Review* 1, no. 2 (2019), <https://doi.org/10.18196/iclr.1207>.

of Persons with Disabilities prohibits discriminatory treatment in recruitment, wages, training, welfare facilities, and other employment conditions and requires employers to take necessary measures to provide reasonable accommodation in recruitment and employment, subject to the limitation of undue burden²⁰. Japan also operates a statutory employment quota system. Since July 2026, the statutory rate has been 2.7 percent for private companies and 3.0 percent for the national and local governments and certain public entities, with a 2.9 percent rate for prefectural and other specified educational boards²¹. Employers subject to the reporting requirement must report their disability employment status annually. These mechanisms strengthen the protection of workers with disabilities by connecting substantive employment rights with measurable employer obligations and administrative monitoring. Nevertheless, the Japanese system also illustrates a limitation of quota-based regulation: numerical fulfillment of an employment rate does not, by itself, guarantee substantive equality, appropriate working conditions, career advancement, or meaningful workplace inclusion²².

The employment quota systems in the two jurisdictions therefore represent both a similarity and an important difference. Indonesia and Japan use statutory employment quotas as affirmative measures to expand employment opportunities for persons with disabilities²³. However, the

²⁰ Kayo MURAYAMA, "Reasonable Accommodation as an Extension of Anti-Discrimination Doctrine," *Social Policy and Labor Studies* 10, no. 3 (2019): 119–29, https://doi.org/10.24533/spls.10.3_119.

²¹ Yuko Mori and Norihito Sakamoto, "Economic Consequences of Employment Quota System for Disabled People: Evidence from a Regression Discontinuity Design in Japan," *Journal of the Japanese and International Economies* 48 (2018), <https://doi.org/10.1016/j.jjie.2017.02.001>.

²² Anne Lise Mithout, "From Equal Access to Employment to Equal Career Opportunities? Employment Practices and Work Experiences of Qualified Disabled Workers in Japan," *Alter* 15, no. 4 (2021), <https://doi.org/10.1016/j.alter.2021.07.001>.

²³ Utami Dewi, "IMPLEMENTASI KEBIJAKAN KUOTA BAGI PENYANDANG DISABILITAS UNTUK MENDAPATKAN PEKERJAAN DI KOTA YOGYAKARTA," *NATAPRAJA* 3, no. 2 (2015), <https://doi.org/10.21831/jnp.v3i2.11969>.

current rates and institutional arrangements differ. Indonesia establishes a 2 percent quota for the public sector specified by law and a 1 percent quota for private companies, whereas Japan applies a 2.7 percent rate to private companies and a 3.0 percent rate to the national and local governments and certain public entities from July 2026. The strength of the Indonesian approach is the explicit statutory recognition of quota obligations across different categories of employers. Its weakness is that the effectiveness of a quota depends on supporting mechanisms for implementation, supervision, and enforcement. Japan's strength lies in the more developed administrative infrastructure surrounding the quota system, particularly the levy and grant mechanism²⁴. However, the Japanese experience also demonstrates that a higher quota and stronger numerical monitoring should not be equated automatically with substantive equality in employment.

Reasonable accommodation and accessibility constitute another important dimension of protection. Both Indonesia and Japan recognize that equal treatment may require adjustments to working conditions rather than merely identical treatment of workers with and without disabilities (1). Indonesian law expressly incorporates accessibility and reasonable accommodation into the protection of persons with disabilities, while empirical research indicates that employers may still face difficulties in translating these obligations into specific workplace policies and practices, particularly because of limited operational guidelines, technical assistance, and financial resources²⁵. Japan imposes an employment-related duty to provide reasonable accommodation, and its implementation has been supported by administrative guidance and discussions concerning the practical interpretation of employers' accommodation obligations (3). The Indonesian framework therefore has a strong normative foundation, but its

²⁴ Kodai Matsumoto et al., "Do Levy Penalties Boost Disability Hiring in SMEs? Evidence from a Japanese Quota Reform," *Labour Economics* 99 (2026), <https://doi.org/10.1016/j.labeco.2025.102831>.

²⁵ Eny Sulistyowati, "KESADARAN HUKUM PELAKU USAHA TERHADAP PEKERJA PENYANDANG DISABILITAS TERKAIT PENYEDIAAN AKOMODASI YANG LAYAK DI PERUSAHAAN," *Indonesian Journal of Contemporary Law* 1, no. 06 (2025): 1–20.

practical protection depends on the availability of operational standards and institutional support. Japan has developed a more structured framework for translating the accommodation obligation into workplace practice, although the provision of accommodation may still be affected by differences in individual needs, employer awareness, and organizational circumstances²⁶. The comparison indicates that the central issue is not whether reasonable accommodation is recognized, but whether the legal obligation is sufficiently defined and supported to ensure that workers can exercise their rights in actual employment relationships.

Protection also extends beyond access to employment. Workers with disabilities require protection against exclusion after recruitment, including unequal remuneration, discriminatory treatment, barriers to training, and restrictions on career development. Both Indonesia and Japan recognize equality in employment as extending beyond initial recruitment. Indonesian legislation addresses employment retention and career development and provides protection relating to employment conditions, while Japanese law prohibits discriminatory treatment in employment and requires reasonable accommodation in the workplace²⁷. The similarity lies in the recognition that disability protection must cover the employment relationship as a whole. The difference lies in the degree to which these rights are supported by detailed administrative mechanisms and institutional guidance²⁸. This comparison is significant because a worker may formally satisfy a quota requirement while continuing to experience discrimination, limited career opportunities, or inadequate workplace support.

Monitoring, enforcement, sanctions, and incentives provide the clearest distinction in the institutional operation of the two frameworks.

²⁶ Koichiro Matsuda, "Examination of Important Conditions for Employment Retention and Employment Continuation of Individuals with Intellectual Disabilities," *Journal of Human Well-Being* 22, no. 2 (2023): 1–7, https://doi.org/10.34591/humanwellbeing.22.2_1.

²⁷ Tamako Hasegawa, "Reasonable Accommodation for Persons with Disabilities in Japan," *Japan Labor Review* 12, no. 1 (2015).

²⁸ Harada, Shiraishi, and Arai, "The Current State of Employment and Vocational Support Policies for Persons with Disabilities."

Indonesia provides legal obligations and incentives, but empirical studies indicate that the implementation of sanctions and related monitoring mechanisms remains limited²⁹. By contrast, Japan links the quota system to annual reporting and operates a levy and grant system. Employers with more than 100 regular workers that fail to meet the statutory quota are required to pay a levy for each worker below the required rate, while employers exceeding the quota may receive an adjustment allowance; grants are also available to support workplace facilities, job coaches, commuting measures, skills development, and other employment-related needs³⁰. The Japanese mechanism is therefore stronger in connecting the legal obligation to administrative and economic consequences. Its limitation is that financial mechanisms primarily address employer incentives and implementation costs; they do not independently guarantee the quality of employment or eliminate discriminatory attitudes.

Table 1. Comparative Protection of Workers with Disabilities in Indonesia and Japan

Dimension of Protection	Indonesia	Japan	Similarities and Differences	Strengths and Limitations
Non-discrimination and equal treatment	Disability-related equality and protection from discrimination are recognized within the disability and employment framework, including equal treatment in employment and remuneration.	Discrimination in recruitment, wages, training, benefits, and other employment-related treatment is prohibited.	Both recognize non-discrimination and equal treatment as core principles of employment protection.	Indonesia provides a strong statutory rights-based foundation; Japan provides more detailed employment-specific rules and administrative guidance.

²⁹ Alya Sani Pratiwi et al., “Pelaksanaan Pemberian Sanksi Bagi Perusahaan Yang Tidak Mempekerjakan Tenaga Kerja Penyandang Disabilitas,” *JURNAL USM LAW REVIEW* 6, no. 1 (2023), <https://doi.org/10.26623/julr.v6i1.6817>.

³⁰ Toshihiro Tsuchihashi and Daisuke Oyama, “Disability Employment Levy-Grant Scheme from an Economic Viewpoint,” *Japan Labor Review* 7, no. 2 (2010): 43–53.

Access to employment	Persons with disabilities have rights relating to recruitment, placement, training, employment retention, and career development.	Equal opportunity in recruitment and employment is supported by statutory obligations, employment promotion measures, and institutional support.	Both seek to prevent exclusion of persons with disabilities from the labor market.	Indonesia clearly recognizes employment rights; Japan combines statutory rights with a more developed employment-support infrastructure.
Employment quota	At least 2% for government, regional governments, BUMN, and BUMD; 1% for private companies.	From July 2026, 2.7% for private companies and 3.0% for national and local governments and certain public entities.	Both use statutory quotas as affirmative employment measures, but the rates and supporting mechanisms differ.	Indonesia has explicit statutory quotas; Japan has more developed reporting, compliance, and financial mechanisms surrounding the quota system.
Reasonable accommodation and accessibility	Reasonable accommodation and accessibility are recognized as part of disability rights and employment protection.	Reasonable accommodation is an employment obligation supported by specific administrative guidance and support mechanisms.	Both recognize that substantive equality may require adjustments to the workplace and employment conditions.	Indonesia has a strong normative basis; Japan has more developed administrative guidance and institutional support.

Retention, career development, and equal remuneration	Protection extends to employment retention, career development, equal treatment, and employment conditions.	Protection extends to equal treatment in remuneration, training, and other employment conditions, together with measures supporting continued employment.	Both extend disability protection beyond initial recruitment and address conditions during the employment relationship.	Indonesia provides broad recognition; Japan provides more detailed administrative and institutional mechanisms for implementing employment protection.
Monitoring, enforcement, sanctions, and incentives	Legal obligations and incentives exist, but empirical literature identifies continuing challenges in implementation, monitoring, compliance, and enforcement.	Annual reporting, levy and grant mechanisms, and administrative measures connect employer obligations with compliance and financial consequences.	Both use state intervention to support disability employment, but their institutional mechanisms differ substantially.	Indonesia has a substantial normative basis but requires stronger operational mechanisms; Japan has a more developed compliance infrastructure, although financial mechanisms alone cannot ensure substantive equality.

Sources: Law No. 8 of 2016 concerning Persons with Disabilities; Law No. 19 of 2011 concerning the Ratification of the Convention on the Rights of Persons with Disabilities; Act on Employment Promotion of Persons with Disabilities (Japan); Ministry of Health, Labour and Welfare of Japan, *Employment Rate of Persons with Disabilities* (2026); Japan Organization for Employment of the Elderly, Persons with Disabilities and Job Seekers (JEED).

The comparison demonstrates that Indonesia and Japan share a common normative commitment to protecting workers with disabilities from discrimination and exclusion. Both jurisdictions employ legal measures designed to increase access to employment and recognize the need for specific protection beyond formal equality³¹. The more significant difference lies in the institutional mechanisms connecting legal rights with employer obligations, reporting, monitoring, financial incentives, and administrative support. Japan, therefore, provides a useful comparative reference in specific dimensions of disability employment protection, particularly the operationalization of quota compliance, reporting, and employer support. This does not mean that the Japanese framework is universally superior or that its mechanisms can be transferred directly to Indonesia.

The Indonesian framework also has important strengths that should be retained. Its statutory recognition of disability employment rights, reasonable accommodation, accessibility, and employment quotas provides a substantial normative foundation for protection³². The principal limitation is not simply the number of regulations, but the extent to which these rights are supported by sufficiently clear technical standards, coordinated institutional responsibilities, reliable reporting, monitoring, and enforcement. Japan's experience suggests that stronger administrative operationalization can reinforce statutory rights, but its mechanisms must be assessed against Indonesia's institutional, economic, and legal conditions. In particular, quota-based compliance should not become the sole measure of successful disability employment protection because substantive equality also requires decent working conditions, reasonable

³¹ "Disability Employment Quotas: Lessons for Indonesia from ASEAN and East Asia," 2026, <https://doi.org/10.54394/00033285>.

³² Ni Putu Ayu Meylan Ardini et al., "Disability Rights Violation: Failure to Provide Reasonable Accommodation and Employment Discrimination Against the Colorblind in Indonesia," *Jurnal Pembangunan Hukum Indonesia* 8, no. 1 (2026), <https://doi.org/10.14710/jphi.v8i1.1-24>.

accommodation, employment retention, equal treatment, and opportunities for career development³³.

Accordingly, the most relevant lesson from Japan is not the wholesale transplantation of its disability employment system, but the development of institutional mechanisms that make existing Indonesian rights more measurable, monitorable, and enforceable. Indonesia could strengthen employer reporting and compliance evaluation, develop clearer technical standards for reasonable accommodation, improve institutional coordination, and design incentives and enforcement mechanisms that support sustained employment rather than merely numerical recruitment. Such measures should be adapted to Indonesian legal and administrative conditions. The comparative analysis, therefore, re-supports a direction of reform centered on strengthening the existing protection framework and its operational mechanisms, rather than simply expanding the number of legal provisions³⁴.

D. Legal Implications and Directions for Strengthening the Disability Employment Protection System

The findings of this study have normative implications for the design of inclusive employment law in Indonesia, particularly in protecting the rights of workers with disabilities in the formal employment sector. The analysis in the previous sub-chapter indicates that the main problem lies not in the lack of legal recognition, but instead in the weakness of the normative structure in guaranteeing the implementation of these rights. Legally, this condition has serious consequences because non-operational norms have the potential to reduce the rights of workers with disabilities to mere symbolic rights. From the perspective of a state based on the rule of law, recognized rights without clear and enforceable implementation

³³ Harada, Shiraishi, and Arai, "The Current State of Employment and Vocational Support Policies for Persons with Disabilities."

³⁴ Tahta Rifatul Ulya et al., "Legal Protection in Fulfilling the Right to Employment for Persons with Disabilities," *Disable* 1, no. 2 (2026).

mechanisms do not meet the principles of legal certainty and substantive justice. Therefore, these findings imply the need to adjust regulatory design so that legal norms are not merely declarative but also have real efficacy in employment practice.

These normative implications require a review of the coherence between laws and regulations governing the rights of workers with disabilities. Regulations scattered across various laws and implementing regulations are often not systematically integrated, complicating implementation at the administrative level. Unclear divisions of authority between agencies and the absence of detailed operational standards render legal norms ineffective as guides. Regulatory adjustments do not always require the creation of new laws, but rather the strengthening of implementing norms that can bridge general provisions with concrete practices. In this way, the law can function as an effective regulatory instrument rather than simply a statement of normative commitment to inclusion.

Based on these implications, strengthening inclusive employment policies needs to focus on improving oversight and law enforcement mechanisms. Labor inspection must be designed as a proactive, data-driven system, not merely reactive to complaints. Employers' obligations to fulfill workers' rights with disabilities, including the obligation to provide reasonable accommodation, must be supported by transparent reporting and evaluation mechanisms³⁵. Without structured oversight, legal norms will remain weak and challenging to enforce. Therefore, strengthening labor inspectors' institutional capacity is a crucial prerequisite for the effectiveness of inclusive policies.

In addition to oversight, regulations regarding reasonable accommodation need to be clarified to avoid multiple interpretations at the implementation level. To date, the concept of reasonable accommodation has often been understood abstractly and lacks clear operational indicators. As a result, employers tend to interpret this obligation minimally or even

³⁵ Jun Nakagawa and Peter Blanck, "Future of Disability Law in Japan: Employment and Accommodation," *Loyola of Los Angeles International and Comparative Law Review* 33, no. 1 (2010).

avoid it, citing technical and cost limitations. The findings of this study imply the need for more detailed regulations regarding minimum accommodation standards, procedures for assessing appropriateness, and the division of responsibilities between the state and employers. This approach is not intended to burden businesses unduly but rather to provide legal certainty for all parties involved.

Policy strengthening also requires the selective, context-specific integration of lessons from Japan's experience. The comparative study in this research shows that Japan's success is determined not only by explicit legal provisions but also by a well-designed, consistent policy framework. Indonesia can adopt general principles such as clear obligations, a measurable reporting system, and a rational combination of sanctions and incentives. However, such adoption must be tailored to Indonesia's institutional capacity and social conditions. Integrating comparative learning without contextualization can yield policies that are difficult to implement and lose legitimacy in practice.

Nevertheless, the policy recommendations formulated in this study have limitations that require academic clarification. The recommendations are not intended as utopian solutions that assume instant structural change. Instead, they are realistic and grounded in the existing legal framework, with an emphasis on improving design, implementation, and enforcement. This study also does not claim that strengthening inclusive employment policies will automatically eliminate the social stigma and cultural barriers faced by workers with disabilities. This aspect requires a cross-sectoral approach that goes beyond legal instruments alone.

Thus, the legal implications of this research emphasize that strengthening the protection of workers' rights with disabilities must be directed at transforming the function of law from mere normative recognition to an effective and enforceable regulatory instrument. The synthesis of findings suggests that the success of inclusive policies is not determined by the number of regulations, but rather by the quality of legal design and the capacity to implement them. This sub-chapter concludes the analysis by emphasizing that reforming inclusive employment policies in Indonesia requires a systematic, legally grounded approach that is sensitive

to the national context, to promote the protection of workers' rights with disabilities in a sustainable and meaningful manner.

Conclusion

This research shows that the protection of the rights of workers with disabilities in Indonesia in the formal workforce still faces various fundamental challenges that are normative, structural, and cultural. Although Indonesia has a relatively comprehensive legal framework, including Law Number 8 of 2016 concerning Persons with Disabilities, Law Number 13 of 2003 concerning Employment, and the ratification of the Convention on the Rights of Persons with Disabilities (CRPD), implementation of these legal norms has not been fully effective. The main obstacles lie in weak inter-agency coordination, low labor inspection capacity, and the persistence of strong social stigma that influences employers' perceptions of the abilities of people with disabilities. This condition causes legal norms that should guarantee the right to employment and equal treatment in the workplace to lose their practical effectiveness and become merely declaratory. Thus, the gap between normative regulations and practical implementation remains a significant issue that must be addressed through more integrated and applicable legal policy reforms.

Based on the analysis of existing legal structures and policy mechanisms, it can be concluded that the main weakness in the system for protecting workers with disabilities lies not in the absence of legal regulations but in the implementation design, which is not yet operational and lacks a consistent oversight mechanism. The fragmentation of regulations across sectors, such as employment, social affairs, education, and development, results in weak, unsynchronized inter-agency coordination. Employers' obligations to employ people with disabilities or provide reasonable accommodations are often understood as voluntary policies, rather than binding legal obligations. As a result, the implementation of legal norms does not comply with the constitutional spirit of guarantees of equality and non-discrimination. The low level of employer compliance with the disability employment quota policy also indicates that the law's effectiveness in this area is still far from ideal. The

absence of firm sanctions and transparent reporting mechanisms reinforces the conclusion that law enforcement is the most crucial weakness in Indonesia's inclusive employment system.

This research also confirms that institutional aspects play a central role in determining the successful implementation of disability employment policies. Without a robust oversight system, legal norms will lack sufficient coercive power to change the behavior of economic and institutional actors. Therefore, strengthening the labor inspection function must be a top priority in policy reform. Supervisory officials need more apparent authority, adequate technical capacity, and administrative support to address violations effectively. Furthermore, a more integrated cross-sectoral coordination mechanism is needed, particularly between the Ministry of Manpower, the Ministry of Social Affairs, and institutions responsible for vocational education. Good coordination will enable the development of consistent, sustainable, and mutually reinforcing policies and programs. From an administrative law perspective, such institutional integration will also increase accountability in the implementation of public policies based on the principles of inclusivity and social justice.

In addition to structural and institutional dimensions, the legal culture dimension is a crucial factor influencing the effectiveness of protecting the rights of workers with disabilities. Stigma and negative stereotypes against people with disabilities persist in employment practices, both in the public and private sectors. The perception that people with disabilities are less productive or require additional costs is often an indirect excuse for employers to avoid their legal obligations. Laws should not be understood simply as written regulations; they should function as instruments for changing work culture and social perceptions. Public education, equality campaigns, and employer training are integral parts of a long-term strategy to build an inclusive legal culture. Effective laws are not simply enforced through sanctions, but also through building social awareness that inclusion is a fundamental value that supports national justice and productivity.

The comparison with Japan provides important lessons on how legal norms can be operationalized through a consistent and measurable policy system. Japan has successfully integrated legal provisions with clear

administrative mechanisms, including reporting obligations, an active monitoring system, and the application of a rational combination of sanctions and incentives for employers. These lessons can be adapted in Indonesia by strengthening the compliance reporting system, establishing reasonable accommodation indicators, and implementing effective sanctions without creating an undue burden on the business sector. The principle to be learned from Japan's experience is that laws will not be effective unless accompanied by an administrative system and incentives that support their implementation. Therefore, strengthening the institutional framework and policy instruments must be seen as an integral part of labor law reform in Indonesia.

Based on all of these analyses, this study concludes that effective legal protection for workers with disabilities in Indonesia can only be achieved through a synergy between legal reform, strengthening institutional capacity, and changing the legal culture of society. The government needs to formulate more operational implementing regulations, establish minimum standards for workplace accommodation, clarify reporting and evaluation systems for employer compliance, and ensure that legal sanctions are consistently enforced. At the same time, public outreach and education efforts must continue to be intensified to change the way people with disabilities are viewed as part of the productive workforce and entitled to equal legal protection. With a systematic approach based on concrete law enforcement, inclusive employment policies in Indonesia can move from the symbolic stage to substantive implementation. Thus, this study not only makes a theoretical contribution to the development of employment law but also offers policy directions that can be practically implemented to achieve social justice and sustainable inclusion in the formal workforce in Indonesia.

References

- Alfikro, Ananda. "Analisis Keabsahan Pengawasan Ketenagakerjaan Menurut UU No. 13 Tahun 2003 Dalam Pemenuhan Hak Pekerja Disabilitas Dalam Tinjauan Hak Asasi Manusia." *Gema Keadilan* 10, no. 1 (2023). <https://doi.org/10.14710/gk.2023.20250>.

- Ardini, Ni Putu Ayu Meylan, Made Wiswani Wacika, Kadek Agus Sudiarawan, and Salwa Putri Hardiyan. "Disability Rights Violation: Failure to Provide Reasonable Accommodation and Employment Discrimination Against the Colorblind in Indonesia." *Jurnal Pembangunan Hukum Indonesia* 8, no. 1 (2026). <https://doi.org/10.14710/jphi.v8i1.1-24>.
- Dewi, Utami. "IMPLEMENTASI KEBIJAKAN KUOTA BAGI PENYANDANG DISABILITAS UNTUK MENDAPATKAN PEKERJAAN DI KOTA YOGYAKARTA." *NATAPRAJA* 3, no. 2 (2015). <https://doi.org/10.21831/jnp.v3i2.11969>.
- Dewi W, Imma Indra. "Employment Arrangement for Person with Disabilities in Indonesia in Post-New Order Era." *Indonesian Comparative Law Review* 1, no. 2 (2019). <https://doi.org/10.18196/iclr.1207>.
- "Disability Employment Quotas: Lessons for Indonesia from ASEAN and East Asia," 2026. <https://doi.org/10.54394/00033285>.
- Fauzi, Ade Ansah Muhamad, and Muhammad Yasir. "Kewajiban Mempekerjakan Penyandang Disabilitas Menurut Undang-Undang Nomor 8 Tahun 2016 Pada Perusahaan Swasta." *JOURNAL of LEGAL RESEARCH* 1, no. 5 (2019).
- Fitriani, Titis, Budi Santoso, and Zora Febriena H.P. "Konstruksi Sanksi Bagi Pengusaha Yang Tidak Mempekerjakan Pekerja Disabilitas Sesuai Kewajiban Sistem Kuota." *RechtJiva* 1, no. 2 (2024). <https://doi.org/10.21776/rechtjiva.v1n2.10>.
- Gumelar, Rachmadani Fatria Agung, and Martinus Sardi. "Indonesian Government Policy To Provide Employment Opportunities For Persons With Disabilities." *Media of Law and Sharia* 2, no. 2 (2021). <https://doi.org/10.18196/mls.v2i2.11486>.
- Harada, Yoriyuki, Anzu Shiraishi, and Kohei Arai. "The Current State of Employment and Vocational Support Policies for Persons with

Disabilities.,” 2025.

Hasegawa, Tamako. “Reasonable Accommodation for Persons with Disabilities in Japan.” *Japan Labor Review* 12, no. 1 (2015).

Istifarroh, Istifarroh, and Widhi Cahyo Nugroho. “PERLINDUNGAN HAK DISABILITAS MENDAPATKAN PEKERJAAN DI PERUSAHAAN SWASTA DAN PERUSAHAAN MILIK NEGARA.” *Mimbar Keadilan* 12, no. 1 (2019). <https://doi.org/10.30996/mk.v12i1.2164>.

KAWASHIMA, Satoshi. “Reasonable Accommodation and Theories of Discrimination.” *Japanese Sociological Review* 74, no. 4 (2024). <https://doi.org/10.4057/jsr.74.677>.

“Levy and Grant System for Employing Persons with Disabilities | Japan Organization for Employment of the Elderly and Person.” Accessed February 2, 2026. https://www.jeed.go.jp/english/disability/levy_and_grant_system.html.

Matsuda, Koichiro. “Examination of Important Conditions for Employment Retention and Employment Continuation of Individuals with Intellectual Disabilities.” *Journal of Human Well-Being* 22, no. 2 (2023): 1–7. https://doi.org/10.34591/humanwellbeing.22.2_1.

Matsumoto, Kodai, Yota Okumura, Atsushi Morimoto, and Kazufumi Yugami. “Do Levy Penalties Boost Disability Hiring in SMEs? Evidence from a Japanese Quota Reform.” *Labour Economics* 99 (2026). <https://doi.org/10.1016/j.labeco.2025.102831>.

“Menaker: Penyandang Disabilitas Yang Bekerja Baru Sekitar 7,5 Juta - ANTARA News Jambi.” Accessed February 2, 2026. <https://jambi.antaranews.com/berita/433551/menaker-penyandang-disabilitas-yang-bekerja-baru-sekitar-75-juta>.

Mithout, Anne Lise. “From Equal Access to Employment to Equal Career

- Opportunities? Employment Practices and Work Experiences of Qualified Disabled Workers in Japan.” *Alter* 15, no. 4 (2021). <https://doi.org/10.1016/j.alter.2021.07.001>.
- Mori, Yuko, and Norihito Sakamoto. “Economic Consequences of Employment Quota System for Disabled People: Evidence from a Regression Discontinuity Design in Japan.” *Journal of the Japanese and International Economies* 48 (2018). <https://doi.org/10.1016/j.jjie.2017.02.001>.
- MURAYAMA, Kayo. “Reasonable Accommodation as an Extension of Anti-Discrimination Doctrine.” *Social Policy and Labor Studies* 10, no. 3 (2019): 119–29. https://doi.org/10.24533/spls.10.3_119.
- Mustika, Ella Ayu Septia, Ella Nur Hadi, Anharudin Anharudin, Aziz Rofi’i, and Siti Nurmala Dewi. “Stigma Pekerja Terhadap Penyandang Disabilitas Di Tempat Kerja.” *Perilaku Dan Promosi Kesehatan: Indonesian Journal of Health Promotion and Behavior* 4, no. 2 (2022). <https://doi.org/10.47034/ppk.v4i2.6318>.
- Nakagawa, Jun, and Peter Blanck. “Future of Disability Law in Japan: Employment and Accommodation.” *Loyola of Los Angeles International and Comparative Law Review* 33, no. 1 (2010).
- Nurhayati, Sherly Putri, Firyal Nurul Badriyah, Ayunda Firdaningrum, Nabila Amalia Maulida, Eny Faizah Mumtazah, Vira Giatyffany Harmako, and Ayu Ajeng Pamungkas. “Protection of Disability in the World of Work Through Law Number 8 of 2016.” *Disable* 1, no. 1 (2025). <https://doi.org/10.26740/disable.v1i1.40360>.
- Nurhayati, Siti. “Social Inclusion For Persons With Disabilities Through Access To Employment In Indonesia.” *Prophetic Law Review* 2, no. 1 (2020). <https://doi.org/10.20885/plr.vol2.iss1.art1>.
- Rianda Dirkareshza, Sahda Saraswati Akbar, and Gilang Abi Zaifa. “Exploring Employment Rights for Individuals with Disabilities: A Cross-National Comparative Analysis in The Context of Fair

- Competition and Sustainable Development Goals.” *Alauddin Law Development Journal* 6, no. 2 (2024). <https://doi.org/10.24252/aldev.v6i2.46473>.
- S., Laurensius Arliman, Elfrida Ratnawati, and Aida Abdul Razak. “Legal Guarantees for Persons with Disabilities to Secure Decent Work: A Human Rights Perspective from Indonesia.” *Jurnal Wawasan Yuridika* 8, no. 2 (2024). <https://doi.org/10.25072/jwy.v8i2.4463>.
- Sani Pratiwi, Alya, Sonhaji Sonhaji, Suhartoyo Suhartoyo, and Endah Pujiastuti. “Pelaksanaan Pemberian Sanksi Bagi Perusahaan Yang Tidak Mempekerjakan Tenaga Kerja Penyandang Disabilitas.” *JURNAL USM LAW REVIEW* 6, no. 1 (2023). <https://doi.org/10.26623/julr.v6i1.6817>.
- Suhartoyo. “Perlindungan Hukum Terhadap Pekerja/Buruh Penyandang Disabilitas Di Indonesia.” *Jurnal Masalah-Masalah Hukum* 43, no. 4 (2014).
- Sulistyowati, Eny. “KESADARAN HUKUM PELAKU USAHA TERHADAP PEKERJA PENYANDANG DISABILITAS TERKAIT PENYEDIAAN AKOMODASI YANG LAYAK DI PERUSAHAAN.” *Indonesian Journal of Contemporary Law* 1, no. 06 (2025): 1–20.
- Suryahadi, Asep. “Disability and Labor Market Exclusion: Evidence from Indonesia.” *Sustainability Science and Resources* 2, no. 1 (2022). <https://doi.org/10.55168/ssr2809-6029.2022.2004>.
- Tsuchihashi, Toshihiro, and Daisuke Oyama. “Disability Employment Levy-Grant Scheme from an Economic Viewpoint.” *Japan Labor Review* 7, no. 2 (2010): 43–53.
- Ulya, Tahta Rifatul, Zuiyin Zuhda Nailarruhma, Alya Alfa Adilia, and Ahmad Azza El-Fadholy. “Legal Protection in Fulfilling the Right to Employment for Persons with Disabilities.” *Disable* 1, no. 2 (2026).
- Utami, Yeski Putri, Winda Afriyanti, and Aliyyah Najmah Kamiilah.

“Keterbatasan vs Kesempatan: Analisis Akses Dan Stigma Penyandang Disabilitas Pada Pasar Kerja Formal.” *Jurnal ISO: Jurnal Ilmu Sosial, Politik Dan Humaniora* 5, no. 1 (2025).
<https://doi.org/10.53697/iso.v5i1.2208>.

Wicaksono, Imam. “Access to Justice for People with Disabilities in Employment.” *Jurnal Hukum Volkgeist* 4, no. 1 (2019).
<https://doi.org/10.35326/volkgeist.v4i1.402>.

DECLARATION OF CONFLICTING INTERESTS

The authors state that there is no conflict of interest in the publication of this article.

FUNDING INFORMATION

None.

ACKNOWLEDGMENT

The author would like to express sincere appreciation to the research supervisor, Ratih Damayanti, S.H., M.H., for her valuable guidance, constructive feedback, and academic insights throughout the research and preparation of this manuscript. The author also extends sincere gratitude to Dr. Indah Sri Utari, S.H., M.Hum., for her guidance, trust, and valuable opportunities to learn and develop both within and beyond the university environment. The author is also grateful to Wahyu Aji Susanto, S.H., M.H., for sharing his experience, providing constructive input, and offering encouragement throughout the research and manuscript preparation process. The author further acknowledges all individuals and parties who contributed directly or indirectly to the completion of this research.