


The International Law Principle for People with Disabilities: Analyzing Access to Justice



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ABSTRACT. Disability groups are one of the groups that are vulnerable to various violations of their rights. In fact, the protection of this group has been regulated both nationally and internationally. The International Convention on the Rights of Persons with Disabilities or the United Nations Convention on the Rights of Persons with Disabilities (CRPD) clearly outlines the principles that must be met in providing protection for persons with disabilities, ranging from: (1) respecting the inherent dignity, autonomy the individual including the freedom to make one's own choices, and the freedom of people; (2) non-discrimination, (3) full and effective participation and inclusion in society; (4) respecting the differences and acceptance of people with disabilities as part of human diversity and humanity; (5) equality of opportunity; (6) accessibility; (7) equality between men and women; and (8) respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to maintain their identity.

KEYWORDS. Access to Justice, Disabilities, International Law Principle

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Introduction

Access to Justice is absolutely given by the justice-seeking community, this includes groups of people with disabilities. As stated in Article 1 paragraph 1 of Law no. 8 of 2016 concerning Persons with Disabilities, namely every person who experiences physical, intellectual, mental, and/or sensory limitations in the long term who in interacting with the environment may experience obstacles and difficulties to participate fully and effectively with other citizens based on equal rights.

In the laws and regulations, the guarantee of rights for Disability Groups has been enshrined in Articles 28A to 28j of the 1945 Constitution of the Republic of Indonesia. In these articles the existence of human rights which are natural in the 1945 Constitution of the Republic of Indonesia, has officially made them the constitutional rights of every citizen or "constitutional rights" (Asshiddiqie, 2006). With the existence of constitutional rights, every citizen has a constitutional guarantee for each of their rights contained in the 1945 Constitution of the Republic of Indonesia. This guarantee can be in the form of embodiment of constitutional rights into law or providing a constitutional lawsuit room to the Constitutional Court if

there is a violation of the rights. citizen rights. These articles contain a clear meaning that, if there are citizens who do not get their basic rights to education, health, legal protection, social protection, and getting a job, the citizens can claim their rights to the state. (Asshiddiqie, 2006). However, in Indonesia, there is a negative stigma against people with disabilities who interpret that disability is synonymous with being weak or sick. This makes the group of people with disabilities seen as people who do not have the ability that will only burden those around them (M. Syahbuddin, 1999). One form of discrimination that still occurs against persons with disabilities is the requirement to be physically and mentally healthy in accepting a job which is one of the general requirements that everyone must have and this is commonly required in the acceptance of prospective workers, not only in the acceptance of prospective workers. However, this happened for the acceptance of new student candidates and also the general requirements for registering to become a people's representative. (Ridlwan, 2013)

Although, Indonesia has signed the Convention on the Rights of Persons with Disabilities to respect, protect, fulfill, and promote the rights of persons with disabilities, which in the end is expected to fulfill the welfare of persons with disabilities and follow up the convention. This is done by ratifying the convention into Law Number 19 of 2011 concerning Ratification of the Convention on the Rights of Persons with Disabilities (Convention Concerning the Rights of Persons with Disabilities), which already has international conventions related to disability rights but the implementation is not yet optimal. So, the author tries to do research in this study to analyze and examine the implementation of the principle of protection and fulfillment of disability rights in Indonesia.

Method

The research method used in this research is normative juridical research because the research objective is to review legal norms regarding the rights of persons with disabilities through materials in the form of international conventions, laws, books, documents, and articles related to the objectives referred to in the preparation of this research. this research.

Legal Protection for Groups of Persons with Disabilities Based on the Convention on the Right of Persons with Disabilities and the Indonesian Laws and Regulations

The establishment of the Convention on the Right of Persons with Disabilities or the Convention on the Rights of Persons with Disabilities by the United Nations General Assembly which was issued on March 30 2007, was much influenced by several international instruments that had previously been in force, such as The Universal Declaration of Human Rights 1948 (Universal Declaration of Human Rights in 1948), International Covenant on Economic, Social and Cultural Rights 1966 (International Covenant on Economic, Social and Cultural Rights 1966), and International Covenant on Civil and Political Rights 1966 (International Covenant on Civil and Political Rights). In addition, there are also other UN and ILO instruments that specifically discuss human rights and disability, namely: Declaration on the Rights of Mentally Retarded Persons (1971), Declaration on the Rights of Disabled Persons (1975), World Program of Action concerning Disabled Persons (1982), Tallinn Guidelines for Action on Human Resources Development *in the Field of Disability* (1990), *Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care* (1991), *Standard Rules on the Equalization of Opportunities for Persons with Disabilities* (1993).

However, the purpose of establishing the Convention is to provide protection at an unprecedented level in previous conventions and emphasizes that persons with disabilities can enjoy their rights which are obligations of the state and other legal subjects to ensure that the rights of persons with disabilities are fulfilled and their existence can be respected. (Nations, 2021) Prior to the existence of the Convention on the Rights of Persons with Disabilities, international treaties on human rights did not comprehensively address the protection of the rights of persons with disabilities; and persons with disabilities are less able to take advantage of the various protection mechanisms under these international agreements. The application of the Convention on the Rights of Persons with Disabilities as a new protection of human rights for persons with disabilities and the monitoring of its

mechanisms should significantly increase the protection of the rights of persons with disabilities. (Nations, 2021)

Objectives of the CPRD/ Convention on Rights of Persons with Disabilities that persons with disabilities are still seen as objects of welfare rather than holders of basic rights and basic freedoms granted to them such as the same human rights as other people and are able to live their lives as citizens who can make a valuable contribution to society if given the same opportunity as others. This is enshrined in Article 1 of the Convention on the Rights of Persons with Disabilities (CPRD), namely:

“The purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity”

Judging from its objectives, this convention is not only to promote, protect and guarantee persons with disabilities to enjoy human rights and fundamental freedoms that can also be enjoyed by non-disabled persons, but furthermore, they must be able to enjoy them fully and without discrimination. disability based (Harahap & Bustanuddin, 2015). In addition, this convention also aims to increase respect for human dignity which is inherent in every human being indiscriminately. From these two objectives, it can be seen that this convention wants to reaffirm that persons with disabilities have human rights and dignity which they must be able to fully enjoy and without discrimination based on disability. (Harahap & Bustanuddin, 2015).

In addition to the civil, cultural, economic, political and social rights which are rights that apply to all human beings, stated in the Convention, the Convention also focuses on actions that must be taken by States to ensure that persons with disabilities enjoy the right to basis of equality with others. Articles 5-30 contain specific issues, namely: the rights of women and children with disabilities, equality and non-discrimination, accessibility, right to life, protection in risky and disaster situations, equality before the law, access to justice, freedom and security of persons with disabilities, rights to education, health, habitation and rehabilitation, work, social protection, political participation, and others.

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In the Convention on the Rights of Persons with Disabilities (CPRD) there are several rights including:

No	Rights of Persons with Disabilities	<i>Convention on the Rights of Persons with Disabilities (CPRD)</i>
1	Equality before the law without discrimination (Article 5); This Article emphasizes that Persons with Disabilities have equality with other people in general without discrimination, and get equal legal protection and countries that are parties to this Convention must prohibit all discrimination on the basis of disability.	<ol style="list-style-type: none">1. States Parties recognize that all human beings are equal before and under the law and have the right, without discrimination, to equal protection and benefits from the law.2. States Parties shall prohibit all discrimination based on disability and ensure equal and effective legal protection for persons with disabilities against discrimination on any grounds.3. In order to promote equality and eliminate discrimination, States Parties shall take appropriate steps to ensure reasonable accommodation is available.4. Specific measures required to accelerate or achieve de facto equality for persons with disabilities shall not be considered discrimination under the provisions of this Convention.
2	Rights of Women with Disabilities (Article 6); The right of women and girls with disabilities to enjoy life in full and on an equal footing with all human rights guaranteed by the convention	<ol style="list-style-type: none">1. States Parties recognize that women and girls with disabilities are vulnerable to dual discrimination, and in this regard should take measures to ensure their full and equal enjoyment of all human rights and fundamental freedoms.2. States Parties shall take all appropriate measures to ensure the full development, promotion and empowerment of women, with a view to guaranteeing them the exercise and enjoyment of the human rights and fundamental freedoms set forth in this Convention.
3	Rights of Children with Disabilities (Article 7); Children with disabilities can have	<ol style="list-style-type: none">1. States Parties shall take all necessary measures to ensure the full enjoyment of all human rights and fundamental freedoms by children with disabilities on an equal basis with other children.

<p>rights guaranteed and protected by the Convention such as expressing their views freely on all matters affecting them, having their views considered according to their age and maturity, on an equal basis with other children, and being provided with disability and age-appropriate assistance. them to realize these rights.</p>	<ol style="list-style-type: none">2. In all actions involving children with disabilities, the best interests of the child must be a primary consideration.3. States Parties shall ensure that children with disabilities have the right to express their views freely on all matters affecting them, that their views are considered according to their age and maturity, on an equal basis with other children, and that disability and age-appropriate assistance are provided. them to realize these rights.
<p>4 Right to Life (Article 10); Persons with disabilities have the inherent right to life.</p>	<p>“States Parties reaffirm that every human being has the inherent right to life and shall take all necessary steps to ensure the effective fulfillment of persons with disabilities on an equal basis with others.”</p>
<p>5 Right to Equal Recognition before the Law (Article 12); Persons with disabilities are recognized as individuals before the law wherever they are and they are legal subjects on an equal footing with others in all aspects of life</p>	<ol style="list-style-type: none">1. States Parties reaffirm that persons with disabilities have the right to recognition as individuals before the law everywhere.2. States parties must recognize that persons with disabilities are legal subjects on an equal basis with others in all aspects of life.3. States Parties shall take appropriate measures to provide persons with disabilities with access to such support as may be required by them in the exercise of their powers as legal subjects.4. States parties should ensure that all policies relating to the exercise of their powers as legal subjects contain appropriate and effective safeguards to prevent abuses under international human rights law. Such safeguards must ensure that policies concerning the exercise of authority as legal subjects

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	respect the rights, wills and choices of the persons with disabilities concerned, free from conflicts of interest and undue influence, proportionate and adapted to the circumstances of the persons with disabilities concerned, implemented in the shortest possible time and reviewed regularly by a competent, independent and impartial judicial authority or body.	
6	<p>Right of Access to Justice (Article 13); the right to effective access to justice on an equal basis with others and the state should make efforts to promote appropriate training for those working in the field of law enforcement</p>	<ol style="list-style-type: none">1. States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through procedural and age-appropriate accommodation arrangements, in order to facilitate the effective role of persons with disabilities as direct and indirect participants, including as witnesses, in all trials, including in the investigation and other early stages.2. In order to help ensure effective access to justice for persons with disabilities, States Parties should promote appropriate training for those working in the field of law enforcement, including police and prison guards.
7	<p>Right to Freedom and Security (Article 14); The right of Persons with Disabilities to enjoy inalienable freedom and security without legal or arbitrary reasons.</p>	<ol style="list-style-type: none">1. States Parties shall ensure that persons with disabilities, on an equal basis with others:<ol style="list-style-type: none">a. Enjoy the right to freedom and security;b. Not being deprived of liberty without legal reason or not being deprived of liberty without legal reason or in accordance with the law, and that the presence of disability should not be a justification for the deprivation of liberty.2. States Parties shall ensure that if persons with disabilities are deprived of their liberty through any process, they shall be entitled, on an equal basis with

	others, to guarantees consistent with international human rights law and shall be treated in accordance with the objectives and principles of this Convention, including reasonable accommodation conditions.	
8	<p>Right to be Free from Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Article 15);</p> <p>Rights of Persons with Disabilities, persons with disabilities have the right to be free from torture and other cruel, inhuman and degrading punishments.</p>	<p>1. No one shall be tortured or subjected to cruel, inhuman or degrading treatment or punishment. In particular, no one may be subjected to a medical or scientific experiment without the free consent of the person concerned.</p> <p>2. States Parties shall take all effective legislative, administrative, judicial or other measures to prevent persons with disabilities, on an equal basis with others, from becoming victims of torture or other cruel, inhuman or degrading treatment or punishment.</p>
9	<p>Right to be Free from Exploitation, Violence and Harassment (Article 16):</p> <p>Rights of Persons with Disabilities, persons with disabilities have the right to be free from all forms of exploitation, violence, and harassment, including the gender-based aspects of these actions, both inside and outside the home. States parties should also ensure that all facilities and programs designed to serve persons with disabilities are effectively monitored</p>	<p>1. States Parties shall take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities from all forms of exploitation, violence and harassment, including the gender-based aspects of such measures. , both inside and outside the home;</p> <p>2. States Parties shall also take appropriate measures to prevent all forms of exploitation, violence and abuse by ensuring, inter alia, that the assistance and support provided to persons with disabilities, their families and their caregivers, is appropriate in form and sensitive to gender and age, including providing information and education on how to prevent, identify and report cases of exploitation, violence and abuse. States Parties shall ensure that protection services are age, gender and disability sensitive.</p>

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by independent authorities	<ol style="list-style-type: none">3. In order to prevent all forms of exploitation, violence and abuse from occurring, States parties should ensure that all facilities and programs designed to serve persons with disabilities are effectively monitored by independent authorities.4. States Parties shall take appropriate measures to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of persons with disabilities who are victims of all forms of exploitation, violence or abuse, including through the provision of protective services. Such recovery and reintegration must be carried out in an environment that ensures the health, well-being, respect, dignity and independence of people and must take into account gender and age-based needs.5. States parties should adopt effective legislation and policies, including policies and legislation focused on women and children, to ensure that cases of exploitation, violence and abuse against persons with disabilities are identified, investigated and punished where appropriate.
10 Right to Respect for Mental and Physical Integrity (Article 17); The right of persons with disabilities to have the mental and physical integrity of persons with disabilities must be respected on an equal basis with others	“Every person with a disability has the right to have respect for his or her mental and physical integrity on an equal basis with others.”
11 Right to Freedom of Movement and	1. States Parties shall recognize the rights of persons with disabilities to freedom of movement, freedom of choice of

<p>Citizenship (Article 18); persons with disabilities have the right to freedom of movement, freedom to choose their place of residence and citizenship, on an equal basis with others.</p>	<p>residence and nationality, on an equal basis with others, including by ensuring that persons with disabilities:</p> <ul style="list-style-type: none">(a) Have the right to acquire and change citizenship and not be deprived of his nationality arbitrarily or on the basis of his disability;(b) Not limited in their ability, on the basis of disability, to obtain, possess and use documents of their nationality or other identity, or to make use of relevant processes such as the immigration process, which may be necessary to facilitate the exercise of the right to freedom of movement;(c) Free to leave a country, including the country of origin;(d) Not deprived of the right to re-enter their country of origin, arbitrarily or on the basis of disability. <p>2. Children with disabilities immediately after birth must be registered, and from birth must have the right to a name, the right to acquire a nationality and, wherever possible, the right to know and be cared for by their parents.</p>
<hr/> <p>12 Right to Live Independently and Be Involved in Society (Article 19); Persons with Disabilities have the right to live independently and fully participate in society, and to have access to various services.</p>	<hr/> <p>States Parties to this Convention recognize the equal right of all persons with disabilities to live in society, with options equal to others, and shall adopt effective and appropriate measures to facilitate the full enjoyment of this right by persons with disabilities and their full involvement and participation in society, including by ensuring that:</p> <ul style="list-style-type: none">(a) Persons with disabilities have the opportunity to determine their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in special arrangements;

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		(b) Persons with disabilities have access to a wide range of services, whether provided at home, in residential areas, and other community support services, including the personal assistance needed to live and be involved in society, and to avoid ostracism or separation from society;
		(c) Community services and facilities for the general public are available on an equal basis to persons with disabilities, and are responsive to their needs.
13	Right to Freedom of Expression and Opinion, and Access to Information (Article 21); Persons with Disabilities may exercise their right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice.	States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise their right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice. , as set out in Article 2 of this Convention, including by: (a) Provide information aimed at the general public to persons with disabilities in accessible forms and technologies according to various types of disabilities in a timely manner and at no additional cost; (b) Accept and facilitate the use of sign language, Braille, augmentative and alternative communication, and all other accessible means, tools and forms of communication of the choice of persons with disabilities in official interactions; (c) Call on private entities providing services to the general public, including via the internet, to provide information and services in a form that is accessible and usable by persons with disabilities;

		(d) Encourage the mass media, including information providers via the internet, to make their services accessible to persons with disabilities;
		(e) Recognize and promote the use of sign language
14	Right to Respect for Privacy (Article 22); Persons with Disabilities shall not experience arbitrary or unlawful interference with their personal, family, home or correspondence life, or other forms of communication, nor any unlawful attack on their dignity and reputation.	<ol style="list-style-type: none">1. No person with a disability, regardless of their place of residence or arrangement of residence, may experience arbitrary or unlawful interference with their personal, family, home or correspondence life, or other forms of communication, or unlawful attacks on their dignity and reputation. they. Persons with disabilities have the right to be legally protected from such harassment or assault.2. States Parties shall protect the confidentiality of personal information, health and rehabilitation of persons with disabilities on an equal basis with others.
15	Right to Respect for Home and Family (Article 23); persons with disabilities in all matters relating to marriage, family, parental roles and personal relationships, on an equal basis with others must be eliminated and that persons with disabilities have the right to respect in their family life.	<ol style="list-style-type: none">1. States Parties shall take effective and appropriate measures to eliminate discrimination against persons with disabilities in all matters relating to marriage, family, parenthood and personal relationships, on an equal basis with others, to ensure:<ol style="list-style-type: none">(a) The recognition of the rights of every person with a disability who is old enough to marry and form a family based on the free and full consent of his/her potential partner;(b) Recognition of the rights of persons with disabilities to determine freely and responsibly the number and spacing of children and to have access to age appropriate information as well as reproductive and family planning education, and the availability of the necessary

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means to enable them to exercise these rights;

(c) Persons with disabilities, including children, maintain their fertility on an equal basis with others.

2. States Parties shall ensure the rights and responsibilities of persons with disabilities in relation to foster care, foster care, guardianship and adoption of children or other similar institutions, where this concept is regulated in national regulations; in each case the best interests of the child must come first. States parties should provide appropriate assistance to persons with disabilities in carrying out their child-rearing responsibilities.
 3. States Parties shall ensure that children with disabilities have the same rights regarding family life. In order to fulfill these rights, and to prevent the concealment, abandonment, neglect and segregation of children with disabilities, States Parties shall provide early and comprehensive information, services and support for children with disabilities and their families.
 4. States Parties shall ensure that a child will not be separated from his or her parents without the child's consent, except where competent authorities have determined by court decision, under applicable law and procedure, that such separation is necessary in the best interests of the child. In no case shall a child be separated from his parents on the grounds of the disability of the child or one or both of his parents.
 5. States Parties shall, if the immediate family is unable to care for a child with a disability, be responsible for providing alternative care within the wider family for the child and if this is not successful,
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	family arrangements should be sought within the community.
16 Right to Education (Article 24); The right of persons with disabilities to education is guaranteed and recognized. In order to fulfill this right without discrimination and on an equal opportunity basis, States Parties shall ensure an educational system that is inclusive at all levels and lifelong learning and facilitates full and equal participation in education and as members of society.	<ol style="list-style-type: none">1. States Parties recognize the right of persons with disabilities to education. In order to fulfill this right without discrimination and on an equal opportunity basis, States Parties shall ensure an education system that is inclusive at all levels and lifelong learning directed to:<ol style="list-style-type: none">(a) The full development of one's potential and a sense of dignity and worth, as well as strengthening respect for human rights, fundamental freedoms and human diversity;(b) Development of the personality, talents and creativity, as well as the mental and physical abilities of persons with disabilities to reach their full potential;(c) Enable persons with disabilities to participate effectively in a free society.2. In fulfilling this right, States Parties shall ensure that:<ol style="list-style-type: none">(a) Persons with disabilities are not excluded from the general education system on grounds of disability, and that children with disabilities are not excluded from compulsory and free primary education or from further education on grounds of disability;(b) Persons with disabilities can access inclusive, quality and free primary and secondary education on an equal basis with others in the communities in which they live;(c) Provision of reasonable accommodation for the individual's needs;(d) Persons with disabilities receive the support needed, within the general

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- education system, to facilitate effective education;
- (e) Effective individual support tools are available in an environment that maximizes academic and social development, consistent with the goal of full inclusion.
3. States Parties shall enable persons with disabilities to learn life skills and social development to facilitate full and equal participation in education and as members of society. To this end, States Parties shall take appropriate steps, including:
- (a) Facilitating learning Braille, alternative writing, augmentative and alternative forms, means and formats of communication as well as orientation and mobility skills, as well as facilitating support and mentoring systems for fellow persons with disabilities;
- (b) Facilitating sign language lessons and the promotion of the linguistic identity of the deaf community;
- (c) Ensure that the education of persons, including children, who are blind, deaf or hearing-impaired, is delivered in the language, forms and means of communication most suitable for the individual and in an environment that maximizes academic and social development.
4. To ensure the fulfillment of this right, States Parties should take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff working in a variety of fields. The training will include awareness of disability and the use of augmentative and alternative
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	forms of communication tools and formats as well as educational techniques and materials to support persons with disabilities.
	5. States Parties shall ensure that persons with disabilities can access general secondary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To achieve this goal, States Parties should ensure that reasonable accommodation is made available to persons with disabilities
17 Right to Health (Article 25); persons with disabilities have the right to enjoy the highest attainable standard of health without discrimination on the basis of their disability. The state must provide special health services needed by persons with disabilities because of their disabilities.	States Parties recognize that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of their disability. States Parties shall take all necessary measures to ensure access for persons with disabilities to gender sensitive health services, including health rehabilitation. In particular, States Parties shall: <ol style="list-style-type: none">Provide persons with disabilities, programs and health care free or affordable, of the same reach, quality and standards as those provided to others, including in the areas of sexual and reproductive health and population-based public health programmes;Provide special health services needed by persons with disabilities because of their disability, including early identification and appropriate interventions and services designed to minimize and prevent further disability, including for children and the elderly;Provide health services as close as possible to communities of persons

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		with disabilities, including in rural areas;
		d. Require health professionals to provide care of the same quality to persons with disabilities as is available to others, including on the basis of free and informed consent by, inter alia, increasing awareness of human rights, dignity, independence, and needs of persons with disabilities through training and application of ethical standards for public and private healthcare;
		e. Prohibit discrimination against persons with disabilities in the provision of health insurance and life insurance that does not conflict with the provisions of national law, which must be provided in a fair and equitable manner;
		f. Prevent discriminatory refusal to obtain health services or care or food and liquids on the basis of disability.
18	Right to Employment and Employment (Article 27); persons with disabilities have the right to work, on an equal basis with others. The Convention prohibits discrimination on the basis of disability in all forms of work and that persons with disabilities should not be in slavery or servitude, and be protected, on an equal basis with others, from	1. States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to earn a living by work freely chosen or accepted in a job market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall protect and promote the fulfillment of the right to work, including for those who have a disability in service, by taking certain steps, including through legislation, to, inter alia: (a) Prohibit discrimination on the basis of disability in all forms of employment, including conditions of recruitment, acceptance and employment, extension of employment, career development

forced or compulsory labour.

- and safe and healthy working conditions;
- (b) Protect the rights of persons with disabilities, on an equal basis with others, to just and favorable conditions of work, including opportunities and remuneration for work of equal value, healthy and safe working conditions, including protection from harassment and alleviation of grief;
 - (c) Ensure that persons with disabilities can exercise their right of association on an equal basis with others;
 - (d) Enable persons with disabilities to have effective access to general technical skills and skills guidance programs, placement and skills services, and skills and ongoing training;
 - (e) Promote employment opportunities and career development for persons with disabilities in the job market, as well as assistance in finding, obtaining, retaining and returning to work;
 - (f) Promote opportunities for self-employment, self-employment, cooperative development, and starting one's own business;
 - (g) Employing persons with disabilities in the government sector;
 - (h) Promote employment of persons with disabilities in the private sector through appropriate policies and measures which could include concrete action programmes, incentives and other measures;
 - (i) Ensure that reasonable accommodation is available in the workplace for persons with disabilities;
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	<ul style="list-style-type: none">(j) Promote the improvement of the work experience of persons with disabilities in an open job market;(k) Improve skills and professional rehabilitation, job security and return to work programs for persons with disabilities. <p>2. States Parties shall ensure that persons with disabilities are not in slavery or servitude, and are protected, on an equal basis with others, from forced or compulsory labour.</p>
<p>19 Right to an adequate standard of living and social protection (Article 28); persons with disabilities have the right to an adequate standard of living for themselves and their families, and to the continuous improvement of living conditions. The Convention guarantees social protection and enjoyment of these rights without discrimination.</p>	<p>1. States Parties recognize the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing and for the continuous improvement of living conditions, and will take the necessary measures to protect and promote the realization of this right. without discrimination on the basis of disability;</p> <p>2. States Parties recognize the right of persons with disabilities to social protection and the enjoyment of that right without discrimination on the basis of disability, and will take the necessary measures to protect and promote the realization of this right, including policies:</p> <ul style="list-style-type: none">(a) Ensure equal access for persons with disabilities to clean water services and to ensure access to appropriate and affordable services, equipment and other assistance related to disability.(b) Ensure access for persons with disabilities, especially women with disabilities, girls, and the elderly to social protection programs and poverty alleviation programs.(c) Ensure access for persons with disabilities and their families living

		<p>in poverty to assistance from the State through disability-related expenditures, including training, mentoring, financial assistance and temporary care;</p> <p>(d) Ensure access for persons with disabilities to public housing programmes;</p> <p>(e) Ensure equal access for persons with disabilities to pension benefits and programmes.</p>
20	<p>Right to Participate in Political and Public Life (Article 29); persons with disabilities have political rights and the opportunity to enjoy these rights. Persons with disabilities have the right to be able to participate effectively and fully in political and public life.</p>	<p>States Parties shall ensure to persons with disabilities political rights and the opportunity to enjoy these rights on an equal basis with others and shall take steps to:</p> <p>(a) Ensure that persons with disabilities can participate effectively and fully in political and public life on an equal basis with others, directly or through freely elected representatives, including the rights and opportunities for persons with disabilities to vote and be elected, including by:</p> <p>(i) Ensure that selection procedures, facilities and materials are appropriate, accessible and easy to understand and use;</p> <p>(ii) Protect the right of persons with disabilities to vote in secret in general elections and public referendums without intimidation and to stand for election, to hold office and to carry out all public functions at all levels of government, by taking advantage of the use of new technologies that can assist in the execution of tasks;</p> <p>(iii) Guarantee the freedom of expression and the will of persons with disabilities as voters and for this purpose, when required at their</p>

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		request, to allow assistance in elections by a person of their own choosing.
		(b) Actively promote an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs without discrimination and on an equal basis with others and encourage their participation in public affairs, including:
		(i) Participation in non-governmental organizations and associations related to the public and political life of the country as well as in the activities and administration of political parties;
		(ii) Forming and joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels.
21	Right to Participate in Cultural, Recreational, Entertainment and Sports Activities (Article 30); persons with disabilities have the right to play a role on an equal basis with others in cultural life, and to have the opportunity to develop and use their creative, artistic and intellectual potential, not only for their own benefit but also for the enrichment of society.	1. States Parties recognize the right of persons with disabilities to play a role on an equal basis with others in cultural life, and shall take the necessary steps to ensure that persons with disabilities: (a) Enjoy access to cultural objects in an easily accessible form; (b) Enjoy access to television programmes, films, theater and other cultural activities in accessible forms; (c) Enjoy access to places of performance or cultural services, such as theatres, museums, cinemas, libraries, and tourism services, and as far as possible, enjoy access to monuments and places of important cultural value.
		2. States Parties shall take appropriate steps to enable persons with disabilities

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- to have the opportunity to develop and use their creative, artistic and intellectual potential, not only for their own benefit but also for the enrichment of society.
3. States Parties shall take the necessary steps, under international law, to ensure that laws protecting intellectual property rights do not become unreasonable or discriminatory barriers to access by persons with disabilities to cultural objects.
 4. Persons with disabilities should have the right, on an equal basis with others, to receive recognition and support for their particular cultural and linguistic identity, including sign language and the culture of the deaf.
 5. In order to enable persons with disabilities to participate, on an equal basis with others in recreational, entertainment and sporting activities, States Parties shall take the appropriate steps:
 - (a) Encourage and promote the participation, as far as possible, of persons with disabilities in mainstream sporting activities at all levels;
 - (b) Ensure that persons with disabilities have the opportunity to organize, develop and participate in special sports and recreational activities for persons with disabilities and for this purpose promote the availability of appropriate resources, guidance and training on an equal basis with others;
 - (c) Ensure that persons with disabilities have access to places of sport, recreation and tourism;
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- (d) Ensure that children with disabilities have the same access as other children to participate in play, recreation and entertainment and sporting activities, including activities within the school system;
 - (e) Ensure that persons with disabilities have access to services from parties involved in organizing recreational, tourism, entertainment and sports activities.
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Indonesia which participated in the signing of the Convention on the Rights of Persons with Disabilities (CPRD) which was held on March 30, 2007. The State of Indonesia ratified the convention which was enforced in Indonesia by Law no. 19 of 2011 concerning Ratification of the Convention on the Rights of Persons with Disabilities.

However, before that, Indonesia had several laws and regulations to protect the human rights of Persons with Disabilities in employment, transportation, political roles, and several other sectors before its birth. Convention on the Rights of Persons with Disabilities (CPRD). In this case, the laws and regulations that have been made by Indonesia regarding Groups of Disabilities other than the ratified Convention, along with the matrix of Indonesian laws and regulations that existed before the birth of the Convention on the Rights of Persons with Disabilities (CPRD):

<i>Convention on the Rights of Persons with Disabilities (CPRD)</i>	Indonesian laws and regulations that have been in effect
Article 5 (Rights of Persons with Disabilities Equal and without discrimination)	Article 9 Law Number 4 of 1997 concerning Persons with Disabilities
Article 6 (Rights of Women with Disabilities)	There are no relevant laws and regulations governing the Rights of Persons with Disabilities for Women
Article 7 (Rights of Children with Disabilities)	Article 9 Paragraph 2 Law Number 23 of 2002 concerning Child Protection

Article 8 (Increasing public awareness of disability groups)	Law Number 4 of 1997 concerning Persons with Disabilities
Article 9 (Right of Persons with Disabilities in Accessibility)	Article 27 paragraph 2, Article 31 paragraph 1 letter g, Article 45 paragraph 1 letter e, Article 93 paragraph 2 letter c, Article 80 paragraph e, Article 132 paragraph 3, Article 242, Article 244 paragraph 2 Law Number 23 of 2002 concerning Child Protection
Article 10 (Right to Life)	Article 5 Law Number 4 of 1997 concerning Persons with Disabilities
Article 11 (State guarantee for the protection and security of Persons with Disabilities from risky situations and humanitarian emergencies)	Article 55 Law Number 24 of 2007 concerning Natural Disaster Management
Article 12 (Right to Equal Recognition before the Law)	There are no relevant laws and regulations governing the right to equal recognition before the law for persons with disabilities
Article 13 (Right of Access to Justice)	There are no relevant laws and regulations governing the Right to Access to Justice for persons with disabilities
Article 14 (Right to Freedom and Security)	There are no relevant laws and regulations governing the Right to Freedom and Security
Article 15 (Right to be Free from Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment)	There are no relevant laws and regulations governing the right to be free from torture and other cruel, inhuman or degrading treatment or punishment
Article 16 (Right to be Free from Exploitation, Violence and Harassment)	There are no specific laws and regulations set it up.
Article 17 (Right to Respect for Mental and Physical Integrity)	There are no specific laws and regulations set it up.

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Article 18 (Right to Freedom of Movement and Nationality)	There are no specific laws and regulations set it up.
Article 19 (Right to live independently and to be involved in society)	Article 10 Law Number 4 of 2007 concerning Persons with Disabilities
Article 20 (Right of Mobility for Persons with Disabilities)	Article 10 Law Number 4 of 2007 concerning Persons with Disabilities
Article 21 (Right to Freedom of Expression and Opinion, and Access to Information)	There are no specific laws and regulations set it up.
Article 27 (Right to work for persons with disabilities)	Article 13, Article 14 Law Number 4 of 1997 concerning Persons with Disabilities

Based on the matrix above, Indonesia has included the protection of the rights of persons with disabilities in national laws and regulations prior to the signing of the Convention on the Rights of Persons with Disabilities. Although, not all of the rights contained in the Convention on the Rights of Persons with Disabilities (CPRD) are contained in Indonesian national regulations, with the ratification of the Convention on the Rights of Persons with Disabilities into Law Number 19 of 2011 concerning Ratification of the Convention on the Rights of Persons with Disabilities, Rights of Persons with Disabilities (Convention on the Rights of Persons with Disabilities). So Indonesia shows great commitment in protecting, respecting, and advancing the rights of persons with disabilities in Indonesia

Implementation of International Principles in fulfilling access to justice for disabled groups in Indonesia

Access to justice for persons with disabilities in applying the principle of equal rights before the law. Thus, the Supreme Court through the Decree of the Director General of the General Judiciary Agency Number 1692/DJU/SK/PS.00/12/2020 concerning Guidelines for the Implementation of Services for Persons with Disabilities in High Courts and District Courts, issued the Decree of the Director General of Badilum in the form of

discrimination that often occurs for persons with disabilities, whether as perpetrators, victims, witnesses or as parties, their needs are accommodated both in terms of infrastructure, legal procedures, paradigms of the court apparatus so that persons with disabilities can avoid discrimination and obstacles in proceeding or receiving services in court.

The guidelines made by the Directorate General of Badilum are intended for the High Court and District Court so that the service process for persons with disabilities in court can run well and in accordance with the needs of each person with disabilities. The guidelines made contain the fulfillment of the needs for persons with disabilities in access to justice in court, including:

1. Adequate Form of Accommodation (Article 3)
 - a. Service
 - b. Facilities and infrastructure
2. Service (Article 4)

The court is obliged to provide services consisting of:

- a. Non-discriminatory treatment
 - b. Fulfillment of a sense of security and comfort
 - c. Effective communication
 - d. Fulfillment of information related to the rights of persons with disabilities and the progress of each implementation in court
 - e. Provision of long-distance audio-visual communication facilities
 - f. Provision of Disability Facilitators and/or Translators
 - g. Provision of standard operating procedures for services and court procedures for persons with disabilities dealing with the law
3. Non-discriminatory treatment in court services (Article 5)
 - a. Get the same treatment
 - b. Do not accept ostracism or harassment from judges or court officials
 - c. There are no restrictions on using the facilities or rooms in the court
 - d. Gaining access to information in court
 4. Rights of Persons with Disabilities in ensuring a sense of security and comfort while in the District and High Courts (Article 6)

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5. Provision of facilities and infrastructure for Persons with Disabilities, both access to court facilities and facilities for the needs of persons with disabilities (Article 12, Article 13, Article 15)

In addition, legal aid for Persons with Disabilities has been handled by various legal aid institutions such as the SIGAB NGO (Integrity and Advocacy Center for Disabilities), LKBH FH UII (Legal Consultation and Aid Institute, Faculty of Law, Islamic University of Indonesia), NGO SAPDA (Advocacy Center for Women with Disabilities). and Children) and others. This legal aid institution aims to advocate, assist groups with disabilities.

Barriers and obstacles in implementing international principles in fulfilling access to justice for disabled groups in Indonesia

Barriers experienced by groups with disabilities to access to justice are often in fulfilling the rights of persons with disabilities in equality before the law. The obstacles experienced by the disabled group include: (Wiarti, 2020)

1. Judiciary

Barriers to physical facilities and infrastructure in court buildings where facilities to meet the standards for fulfilling the rights of persons with disabilities are not available or minimal. This is the lack of facilities such as ramps, guiding blocks and warning blocks in accessing all court rooms. Likewise with the availability of wheelchairs and walking sticks. Toilets used by people with disabilities are specific to use and are different from toilets in general.

Another obstacle is the capacity of employees and the judiciary in understanding the paradigm on disability issues. The ethics of interacting with disabilities certainly have differences with non-disabled and also other disabilities. The need for special and different treatment methods that are more just and humane.

2. Law Enforcement

Article 13 of the Convention on the Rights of Persons with Disabilities includes the right of persons with disabilities to access justice. However, in its implementation in the field, in the process of providing legal assistance and services to persons with disabilities by

law enforcement officers, sometimes there is no readiness from law enforcement officers to handle cases where the victims are people with disabilities and often stop them, even rejecting cases and neglecting cases of crime. crimes against people with disabilities. (Malinda, Nurfitriana, & Yasin Al Arif, 2014)

This happens because law enforcement officers do not understand the form of disability and the needs of each victim, and do not have special skills to treat women with disabilities, mental retardation, blindness, hearing loss, speech and other types of disabilities. In addition, law enforcement officials have not considered the disabled as citizens who have equal rights before the law, in other words, they do not uphold the principle of equality before the law. (Malinda, Nurfitriana, & Yasin Al Arif, 2014).

3. Legal Aid

In terms of legal aid, people with disabilities cannot be classified as poor people who are entitled to legal aid, because the poor parameters in Law no. 16 of 2011 concerning Legal Aid only explains that poverty is limited to economics. In fact, if you look at people with disabilities in Indonesia, including the group that is impoverished, both structurally state policies and existing social constructions, legal aid which is one of the rights of people with disabilities in accordance with the mandate of Article 13 of the Convention on the Rights of Persons with Disabilities does not get justice and legal assistance is more carry on.

4. Solutions to overcome various problems in the implementation of international principles in fulfilling access to justice for disabled groups in Indonesia

The ratification of Law no. 19 of 2011 concerning Ratification of the Convention on the Rights of Persons with Disabilities, which is one of the 26 principles, namely the principle of the right of persons with disabilities to receive equal treatment before the law, which needs to be adopted into the Draft Law on Persons with Disabilities. The ratification encourages equality efforts for the rights of persons with disabilities in obtaining justice in the justice system.

Then, another judicial institution, namely the Judicial Commission, encourages access to justice when proceeding in court, both guaranteeing physical facilities and friendly legal procedures. He

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explained that the physical facilities and infrastructure in a number of legal institutions, including courts, were still designed for the general public, and had not yet accommodated accessibility for persons with disabilities. In addition, procedural law procedures involving persons with disabilities are still interpreted rigidly by law enforcement officials which results in their rights being neglected.

Conclusion

The regulation of the basic rights of Persons with Disabilities is based on the Convention on the Rights of Persons with Disabilities whose aim is protection at a level that has not been touched by previous conventions and emphasizes that persons with disabilities are legal subjects and ensures that they enjoy rights on an equal basis with others. The rights of persons with disabilities stated in the Convention on the Rights of Persons with Disabilities include: The right to equality before the law without discrimination (article 5); Rights of Women with Disabilities (Article 6); Rights of Children with Disabilities (Article 7); Right to Life (Article 10); Right to Equal Recognition before the Law (Article 12); Right of Access to Justice (Article 13); Right to Freedom and Security (Article 14); Right to be Free from Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Article 15); Right to be Free from Exploitation, Violence and Harassment (Article 16); Right to Respect for Mental and Physical Integrity (Article 17); Right to Freedom of Movement and Citizenship (Article 18); Right to Live Independently and Be Involved in Society (Article 19); Right to Freedom of Expression and Opinion, and Access to Information (Article 21); Right to Respect for Privacy (Article 22); Right to Respect for Home and Family (Article 23); Right to Education (Article 24); Right to Health (Article 25); Right to Employment and Employment (Article 27); Right to an adequate standard of living and social protection (Article 28); Right to Participate in Political and Public Life (Article 29); Right to Participate in Cultural, Recreational, Entertainment and Sports Activities (Article 30).

Rights of Persons with Disabilities in Indonesian Positive Law prior to the birth of the Convention on the Rights of Persons with Disabilities which has contained several laws and regulations to fulfill and protect the human rights of persons with disabilities. However, it is unfortunate that not all of these laws and regulations specifically regulate the rights of persons with

disabilities other than the legislation ratifying the Convention on the Rights of Persons with Disabilities.

One form of implementation of access to justice for persons with disabilities is carried out by the Supreme Court by issuing the Decree of the Director General of the General Judiciary Agency Number 1692/DJU/SK/PS.00/12/2020 concerning Guidelines for the Implementation of Services for Persons with Disabilities in High Courts and District Courts. which aims to accommodate the needs of persons with disabilities in infrastructure, legal procedures, and the paradigm of the judiciary so that persons with disabilities can avoid discrimination and obstacles in proceeding or receiving services in court. In legal aid there are several legal aid institutions such as SIGAB NGO, LKBH FH UII, SAPDA NGO in advocating and providing legal assistance to disability groups.

1. The obstacles that often occur for disabled groups in achieving equality before the law include:
 - a. Barriers to physical facilities and infrastructure of court buildings in special facilities, both access to court rooms and use of special rooms for the disabled, as well as the capacity of employees and judges to understand disability issues that have different disabilities, both non-disabled and other disabilities and require special and different treatment.
 - b. Barriers to obtaining legal services for persons with disabilities by law enforcement.
 - c. Barriers to obtaining legal assistance for persons with disabilities.
2. The solution in applying international principles is to encourage efforts to form a Draft Law on Persons with Disabilities in an effort to equalize the rights of persons with disabilities in obtaining justice in the justice system.

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My advice to other disabled people would be, concentrate on things your disability doesn't prevent you doing well, and don't regret the things it interferes with. Don't be disabled in spirit as well as physically.

Stephen Hawking