



Legal Protection Theory for Inclusiveness Focusing on the Fulfillment of the Right to Work

Dyah Hapsari Prananingrum^{1*}, Thyroné Jehuda Mandagi²

¹ Universitas Kristen Satya Wacana, Salatiga, Indonesia, dyah.prananingrum@uksw.edu

² Universitas Kristen Satya Wacana, Salatiga, Indonesia, thyronejm777@gmail.com

Corresponding Author: dyah.prananingrum@uksw.edu

Abstract: Learning from local cases to be adopted in a global context, especially the right to work for people with disabilities and the role of foundations in Yogyakarta as intermediaries for disabled workers' partners with companies. This study focuses on how the law provides protection for the right of inclusion to work as a fulfillment of human rights and the role of foundations in this context. This research attempts to evaluate existing laws and policies related to inclusion and provide suggestions for legal development needed in the legal protection law frame. This research is a legal research using empirical legal methodology where reliable data is collected directly from field evaluation. The main techniques for collecting data are interviews with key informants and documentary research. This research utilizes qualitative analysis, which is conducted concurrently with the data collection procedure. This study concludes that to strengthen inclusiveness in inclusive labor standards, laws and internal regulations must be made to regulate.

Keyword: Inclusive, Labor, Foundation, Law, Legal Protection.

INTRODUCTION

The disability population in the world is very large, in 2023 the World Health Organization (hereinafter WHO) as a global organizations founded by the United Nations (UN) has issued estimated data that there are around 16% of the world's population experiences disabilities (Saragih et al., 2024). People with Disabilities (hereinafter PwD) make up a diverse vulnerable group of people that struggles because of discrimination and suffers just to integrate into society (Jurado-Caraballo & Quintana-García, 2024). It is important for the state to recognize the problems that its citizens with disabilities had regarding their welfare, as it is their fundamental right. The large number of people with disabilities encourages the state to pay attention to this population. It is important for the state to pay attention to the welfare of each of its residents, including people with disabilities. This is also in line with the sustainable development targets agreed upon by countries under the UN. These development targets are known as Sustainable Development Goals (SDGs), which consist of 17 targets that are expected to be achieved by 2030. The basic principle of the SDGs is social inclusion where no one is left behind in development. Therefore, people with disabilities are included. Of each

point targeted, the 8th target addresses decent work and economic growth. That the state must encourage sustainable and inclusive economic development where everyone gets a decent job.

Humans are born to have a set of rights that must be guarded and protected. It has been written in every nation's constitution that a set of rights must be owned by a human being, one of which is a form of welfare for each and every human being (Posner, 2008). Achieving welfare is no easy task for PwD. PwD had limitations that are physical and/or psychological, these are internal problems that are subject to each PwD. More than that, most PwD experience difficulties facing discrimination in society. Discrimination is a major problem in the lives of PwD, as it creates a barrier for them to fulfill their basic needs. Generally, discrimination is defined as any distinction, exclusion, restriction, or preference which is based on any ground such as race, gender, language, religion, political or other opinion, national or social origin, property, birth, or other status, which has the purpose or effect of nullifying or impairing the recognition, enjoyment, or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural, or any other field of public life. But in the context of discrimination faced by PwD, they often endure ableism, stigma, and discrimination across various aspects of life, all of which negatively impact both their physical and mental well-being.

Discrimination is a major problem for PwD, the state as one who is obligated to enforce human rights has a duty to protect and to exercise the human rights of PwD. The one solution to discrimination is a concept and practice known as inclusion. According to Dennis and Giangreco, inclusion is a value that recognizes human diversity and rejects social exclusion based on differences (Dennis & Giangreco, 1996). Then according to Gorard, inclusion is a general principle that refers to efforts to erase the boundaries between “inside” and “outside”, whether in education, social, or political contexts (Simon, 2019). Globally, the importance of inclusion to PwD into society has been recognized significantly by international parties. WHO refers to inclusion as the process of improving the terms on which individuals and groups take part in society, therefore improving the ability, opportunity, and dignity of those disadvantaged on the basis of their identity (W. H. Organization, 2022). Moreover, according to the International Labour Organization in the context of work and the economy, inclusion means ensuring equal access and participation for all workers, without discrimination (I. L. Organization, 2015). The United Nations through point 10 of the Sustainable Development Goals, has the core principle to ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies, and practices.

Inclusion as a process has been enforced further through international laws, with an underlying principle that all individuals must be treated equally and without discrimination by the law. The Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the Convention on the Rights of Persons with Disabilities (CRPD) are examples of international laws that enforce inclusion in a global setting. Law in its principle sees everyone as equal, therefore law must do more than just declare fairness. Law must dismantle systemic barriers and redistribute power. For example, South Africa's post-apartheid Constitution didn't merely ban racial discrimination, but it mandated affirmative action to correct historical injustices, recognizing that formal equality is meaningless without substantive intervention (Crosby et al., 2006). Thus, equality before the law demands more than blind justice, it requires laws that act as a tool that actively bending society toward fairness. This concept is known as law as a tool of social engineering (Treviño, 2017). The term law as a tool of social engineering was coined by Roscoe Pound meaning law as a tool of societal reform where law is expected to play a role in changing social values in society. Law as a tool of social engineering can also be interpreted as law is a means of social control (Safira, 2017). Pound argued that there is a functional relationship between law and society through his idea of law as a means of social control. The function of law as a tool of

social engineering means that law can be utilized to maintain stability and balance in society (Wignjosoebroto, 2013).

Indonesia as a UN member state needs to pay attention to people with disabilities because of its large population of people with disabilities. Based on the Indonesian Central Bureau of Statistics (hereinafter BPS) in 2023, the number of people with disabilities in Indonesia reached 22.97 million people, which is around 8.5% of the total population. The BPS explained that the number of workers with disabilities in Indonesia reached 7.04 million people in 2021. Workers with disabilities are workers aged 15 years and over who experience impairments or disabilities as previously mentioned (Alizah & Mawar, 2023).

However, from the large population and labor force of people with disabilities, their employment is less than optimal. In 2021, based on data from the Central Statistics Agency (BPS), it is known that the number of workers with disabilities in Indonesia has decreased. In 2021 there are around 5.37% of workers with disabilities from the total working population. Meanwhile, in 2020 there were around 5.98% of workers with disabilities from the total working population. Then in 2022, BPS again issued the latest data that the total 16.5 million people with disabilities who entered productive working age, only 7.6 million were working. This happened because it was found that only 1.73% of all companies in Indonesia recruited workers with disabilities as of December 2022 based on data from the Ministry of Manpower of the Republic of Indonesia. In 2024, BPS recorded a significant increase in the number of workers with disabilities. In 2022, the number of workers with disabilities reached 720,748 people. This figure increased by 160% compared to 2021, which was only 277,018 people. The majority of them work in the agricultural sector, with 305,217 people (42.35%), followed by the service sector with 289,941 people (39.95%), and the industrial sector with 127,590 people (17.7%).

According to Indonesian Law No. 8 of 2016 on Person with Disabilities, a person with a disability is any individual who experiences physical, intellectual, mental, and sensory limitations for a long period of time and who in interacting with the environment may experience obstacles and difficulties to participate fully and effectively. This paper aims to explore how legal frameworks can be developed and improved to support non-discriminatory and inclusive employment. By investigating how existing laws, policies, and regulations that govern employment can be enhanced to better protect and empower PwD in the workforce. At its core, this study is motivated by the principle of non-discrimination, which asserts that all individuals, regardless of physical, sensory, intellectual, or psychosocial differences, should have equal access to employment opportunities and their rights be exercised. However, while this principle may be embedded in national or international law, its practical application often falls short. This study focuses not only on what the laws say but on how they actually function in practice. The study is not limited to Indonesia alone. It adopts a “think global, act local” perspective, suggesting that what is learned from YAKKUM Rehabilitation Center (local foundation in Yogyakarta) and the Indonesian experience can inform global discussions about legal reform, especially in countries facing similar inclusion issues. By identifying gaps, inconsistencies, or underdeveloped areas in law and policy, the research aspires to help design legal systems that are more inclusive, and socially just, with the goal of making employment truly accessible for persons with disabilities everywhere.

METHOD

This research utilizes empirical legal methodology, as it treats the law as a living system observed in action. The objective of this research is to know how law concerning employment for people with disabilities helps exercise their right to employment. The research was supported with empirical data provided by PRY as one of the units of YAKKUM (Christian Foundation for Public Health). PRY stands for Pusat Rehabilitasi Yakkum or Yakkum

Rehabilitation Center, an agency with the mandate to ensure the fulfillment of the rights of persons with disabilities through quality, affordable, and integrated services on a national scale. PRY strives to support persons with disabilities in realizing their rights by building an inclusive society through high-quality, accessible, and comprehensive services. Data collection was carried out using the method of interview. The data that has been collected is analyzed using qualitative methods and presented descriptively. Then the data will be analyzed, and existing laws regarding employment of PwD in Indonesia will be evaluated. These findings reveal gaps between how laws should work and how they actually function in society. With these findings through a local case study of the YAKKUM Rehabilitation Centre in Yogyakarta, used as a basis for insights that could be applied more broadly. It seeks to examine how laws currently function in addressing the employment challenges faced by persons with disabilities and to identify gaps or weaknesses in these existing legal and policy structures.

RESULTS AND DISCUSSION

Legal Protection Theory

Historically, people with disabilities have endured systemic discrimination, exclusion, and marginalization across nearly all areas of life. For much of the 19th and early 20th centuries, disability was viewed through a lens of pity, fear, or shame, often leading to forced institutionalization and social isolation rather than support or integration (Emerson et al., 2021). Individuals with disabilities were frequently denied access to employment and were regarded as incapable or burdensome (Emerson et al., 2021). This widespread societal bias relegated them to the fringes, reinforcing negative stereotypes and justifying policies that limited their autonomy and participation in civic life (Wang et al., 2017). The lack of legal protections and public awareness further deepened the inequality, as disability was treated more as a personal tragedy than a civil rights issue. As a result, people with disabilities were overlooked in conversations about equality and justice, and their basic rights to live, learn, and work freely were denied for generations. Recently, the law's view of people with disabilities has undergone a transformative shift over the decades, evolving from marginalization to one centered on civil rights and inclusion (Heymann, 2023).

The shift in the law itself is not enough to achieve inclusion for PwD, therefore law need to be mobilize to enforce human rights. Legal protection is important to enforce the human rights of PwD, particularly their right to welfare, as it can be significantly supported through equitable access to employment. Employment is crucial as it contributes directly to other rights, such as the right to an adequate standard of living (Bruyère et al., 2016). States have an obligation to ensure non-discriminatory access to work and to create environments that accommodate people with disabilities, supporting their capacity to contribute economically and socially (Pinilla-Roncancio & Rodríguez Caicedo, 2022). Employment not only offers financial independence but also promotes social inclusion, self-worth, and participation in society. This align with the theory of legal protection, where using this theory, PwD can be increasingly recognized as rights-holding individuals entitled to equal participation in the workforce and moreover, society.

Based on this way of thinking, Soerjono Soekanto one of Indonesia's most prominent legal scholars, had a theory of legal protection that originates from his deep engagement with legal sociology (Soekanto, 2011). Soekanto believed that law must go beyond abstract doctrine and respond to the complexities of real life (Soekanto, 2011). Emerging during Indonesia's post-independence era, Soekanto's thinking was shaped by the country's efforts to move away from Dutch colonial legal traditions and establish a legal system grounded in national identity, social justice, and cultural relevance (Soekanto, 2011). In this context, he envisioned law as a practical tool for nation-building, not merely as an authoritative text (Soekanto, 2011). His

theory was particularly concerned with ensuring that the law serves the public interest, especially the vulnerable and marginalized, and promotes social stability.

In his theory, Soekanto argued that effective legal protection is not simply about enacting rules, but it also involves understanding how those rules are received, enforced, and internalized by the people they are meant to govern. Soekanto approaches legal protection from a legal-sociological and normative lens. At its core, Soekanto's approach aligns with realist legal theory, particularly the ideas of Roscoe Pound, an American jurist known for the concept of “law in action” versus “law in books” (Treviño, 2017). Like Pound, Soekanto was concerned not only with how laws are written but also with how they are applied and experienced in practice. Pound emphasized the idea of law as a tool of social engineering, which mirrors Soekanto's belief that law must be used to achieve social justice, peace, and harmony. Both scholars believed that law must adapt to the needs of society and work to resolve real social conflicts, not simply preserve institutional power.

Legal protection is a protection given to legal subjects in the form of legal instruments. To achieve that, Soekanto explained that there are five factors that affect the law enforcement process and its protection. Five factors that influence legal protection and law enforcement are law (regulations), law enforcers, infrastructure, society, and culture (Soekanto, 2011). Soekanto approaches legal protection from a legal-sociological and normative-functional lens. Next, we will see each of these factors in action, as this helps contextualize Soekanto's legal protection theory and its application:

1. Law

The first factor is law. Soekanto's emphasizes the importance of written laws reflects the principles of legal positivism and the rule of law, which argue that rights are only enforceable when embedded in clear, consistent, and accessible legal norms. The UN Human Rights Committee also emphasizes that human rights obligations must be “formulated in laws that are clear, precise, and publicly accessible”. Without this foundation, enforcement mechanisms lack legal legitimacy.

2. Law Enforcers

Second, Soekanto highlights the role of law enforcers, judges, police, administrative officials, etc., as an important part to protection. This aligns with the institutional theory, which emphasizes that rights depend not just on their legal recognition but on the existence of effective, accountable institutions to enforce them (Kervégan, 2016).

3. Infrastructure

Third is the infrastructure. The need for adequate resources and infrastructure, such as trained human capital and access to legal tools. This factor asserts that human rights can only be realized when people are provided with the actual capabilities to exercise them (Soekanto, 2011). Examples include education, access to information, and institutional access. A disabled person, for instance, needs accessible complaint mechanisms, transport, interpreters, or legal aid to make a claim.

4. Society

Fourth is the society itself. John Stuart Mill's theory also supports this through the idea that public moral sentiment must align with legal frameworks for justice to be sustainable (Clark & Elliott, 2001). The acceptance and support of society are essential for any law to work. This view is supported by social constructionist theories of law and rights, which argue that the law only functions if it is embedded within social norms and public consciousness. Human rights enforcement relies heavily on social legitimacy and how communities must believe that the rights are just, necessary, and worth defending (Gregg, 2011).

5. Culture

Last, Soekanto's inclusion of culture as a legal enforcement factor reflects modern human rights practice, which increasingly recognizes that laws must respect and adapt to local cultures. The UNESCO Universal Declaration on Cultural Diversity and CRPD's Article 30 on participation in cultural life both argue for the integration of human rights within cultural identity, especially for minority groups, including persons with disabilities. This supports Soekanto's view that law enforcement must not ignore local customs, values, and lived experiences (Soekanto, 2011).

Soekanto adapted this idea to fit the Indonesian legal context, which is characterized by a plural legal system and a strong emphasis on social harmony and cultural values. Thus, his inclusion of culture and societal acceptance as core components of legal effectiveness is both a reflection of sociological insight and a practical response to Indonesia's legal diversity. This five-factor model for legal protection is compatible with global theories of human rights enforcement. These theories reinforce his sociological insight that law does not operate in a vacuum, and rights cannot be protected merely through statutes. In essence, legal protection theory is an effort to bridge legal norms with social reality. Effective legal protection depends on a combination of normative authority, institutional capacity, social legitimacy, cultural sensitivity, and individual empowerment. Soekanto's theory can thus be seen as a pragmatic and holistic approach that aligns well with modern human rights thought and can be especially effective for advancing disability rights in developing societies.

The Role of Law as Social Engineering For The Fulfillment Of Human Rights

Law as a tool of social engineering is a concept originally developed by Roscoe Pound who understands law as an active mechanism to shape and direct societal behavior and institutional structures. Instead of simply reacting to change or maintaining order, the law is viewed as a proactive force capable of designing and influencing the trajectory of social progress (Treviño, 2017). Pound describes it as "social engineering" that aims to build a society in which the satisfaction of human wants is maximized with the least friction and waste (Treviño, 2017). Lawmakers, legal enforcers, and civil society are key actors in this theory. Legal enforcement must be supported by institutions that align with people's aspirations and address social needs (Moore, 1973). Law as a social engineering tool is especially crucial during periods of social transformation. In developing nations like Indonesia, law is increasingly called upon not merely to react but to lead change (Soekanto, 2011). This relevance is heightened during times of globalization, demographic shifts, and technological development when old norms may no longer suffice.

Law can enforce changes in behavior and institutional practice. Especially in plural societies facing inequality, disorganization, or outdated customs, law is a way to engineer desired societal reforms. It is seen as a response to the gap between what society is and what it ought to be. In summary, the theory of law as a tool of social engineering is both a philosophical and practical guide that urges legal systems to not only regulate but also innovate for a better society. In the context of employment of PwD, while international frameworks and national policies acknowledge their right as integral to their welfare, practical implementation lacks behind. Achieving full inclusion requires not only legal frameworks but also cultural, institutional, and infrastructural changes to ensure that employment is genuinely accessible, equitable, and empowering.

Comparison With Other Countries, Their Laws and Implementations For Workers with Disabilities

Internationally, the United Nations Convention on the Rights of Persons with Disabilities (hereinafter UNCRPD) asserts the right of PwD to work on an equal basis with others, mandating that states prohibit discrimination and ensure reasonable accommodations,

vocational training, and inclusive workplace practices (Stein, 2007). As it sets a strong legal framework obligating states to ensure non-discrimination and reasonable accommodation in employment, it also frames work as both a right and a means to social inclusion, mandating that people with disabilities be treated equally and be supported to participate fully in the labor market (Broderick, 2015). Employment is central to ensuring the welfare of persons with disabilities, requiring states to safeguard and promote the realization of the right to work, including for those who acquire a disability during employment.

Next, we will see how other countries govern the employment of PwD and how it is implemented and actualized in the real world. Germany and Finland are chosen as ideal comparators when analyzing the condition of workers with disabilities because they represent two of the most advanced, yet contrasting, models of inclusive employment in practice. Both countries are deeply committed to the UN Convention on the Rights of Persons with Disabilities and have implemented strong national laws to support workplace inclusion. However, their approaches differ in meaningful ways that offer valuable insights for other nations.

Finland exemplifies a commitment to workplace equality, with a robust legislation and societal attitudes that favor inclusion. The Non-Discrimination Act of 2014 mandates reasonable accommodations for employees with disabilities, ensuring they receive equal opportunities in employment. Furthermore, Finland's ratification of the UN Convention on the Rights of Persons with Disabilities underscores its dedication to upholding international standards for disability rights. In terms of employment, as of 2020, the reported employment rate for persons with disabilities of around 54% and relatively low poverty among those employed. Finland exemplifies how policy aligned with public values can result in both legal inclusion and lived equality (Grześkowiak et al., 2021). This is further supported by a relatively low in-work at-risk-of-poverty rate of 3.4% among employed persons with disabilities in 2023, indicating effective social support systems that mitigate economic disparities.

In the society, societal attitudes in Finland are notably progressive. Disabilities are generally viewed positively, with a strong emphasis on equality and inclusion. Public awareness campaigns and educational initiatives have fostered an environment where negative attitudes towards persons with disabilities are rare, and respect and equality are deeply ingrained in the cultural fabric (Katsui, 2020).

Germany on the other hand, approaches inclusion through a structured legal framework that emphasizes inclusion and proactive employment measures. Article 3 of the German Constitution asserts that "No person shall be disfavored because of disability," establishing a constitutional guarantee against discrimination. The Accessibility Strengthening Act (*Barrierefreiheit Stärkungsgesetz*) further enforces the principle of barrier-free access, facilitating the participation of persons with disabilities in various aspects of public life.

The German legislature recently passed the "Act to Promote an Inclusive Labor Market" which will enter into force on January 1, 2024. The purpose of the law is to improve the conditions for individuals with disabilities, enabling their active engagement in the labor market and facilitating more consistent participation. To achieve this purpose, it also contains provisions to help maintain existing employment relationships of individuals experiencing health impairments. Furthermore, the law aims to provide more focused assistance for individuals with severe disabilities. These measures have yielded tangible results. In 2021, 49.8% of severely disabled individuals aged between 15 and 64 were integrated into the employment market, indicating progress in workforce inclusion.

Both Finland and Germany prioritize social inclusion, aiming to create conditions where all members of society can participate and thrive. They recognize the importance of equality and access to resources, implementing laws that promote inclusion in education, employment, and community participation. Both countries offer training programs, job coaching, and

financial subsidies for workplace adjustments and technical assistance. Public awareness campaigns and employer education are actively conducted by state institutions, such as the *Antidiskriminierungsstelle des Bundes* in Germany and the Ombudsman for Equality in Finland, demonstrating a commitment to fostering inclusive workplaces.

However, their approaches differ in implementation. Finland emphasizes flexibility and tailored support, focusing on assisting individuals in education and primary employment. Germany adopts a more structured approach, particularly for individuals with severe disabilities, and faces challenges in enhancing the skills of immigrants with low educational levels. The main distinction lies in the implementation model: Germany tends to employ a legalistic and coercive approach, while Finland places greater emphasis on facilitation and collective awareness.

Both Finland and Germany exhibit comprehensive legal frameworks and supportive policies. Legal protections alone have not fully eliminated inequality, especially for marginalized subgroups within the disability community. Nonetheless, the modern legal framework has redefined people with disabilities as rights-bearing citizens entitled to the same freedoms and dignity as everyone else.

Laws for Workers with Disabilities in Indonesia and Their Condition

The foundational principle in Indonesian law is that every citizen, including PwD, has the right to work and to live a dignified life. At the constitutional level, Article 27(2) and Article 28D(2) of the 1945 Constitution of the Republic of Indonesia guarantee the right to work and equal treatment for every citizen. This foundational principle is concretized through Indonesian Law No. 8 of 2016 on Persons with Disabilities, which stands as the centerpiece of Indonesian disability rights legislation. This law mandates employment quotas for government bodies, State-Owned Enterprises (BUMN), and Region-Owned Enterprises (BUMD) must employ at least 2% persons with disabilities, while private companies must employ at least 1% of their workforce from the disabled population. These quotas are supported by sanctions, including fines and potential imprisonment for non-compliance.

Further legal protections are found in Law No. 13 of 2003 on Manpower, which emphasizes nondiscrimination and equal access to employment, specifically in Articles 5, 6, and 31. Indonesia has also ratified ILO Convention No. 111, reinforcing the global commitment to non-discriminatory labor practices. These laws collectively reflect Indonesia's normative vision of a labor market that is inclusive, non-discriminatory, and supportive of equal opportunity for all citizens, including people with disabilities.

Despite the progressive legal framework, the reality of implementation remains deeply flawed in practice. The quota system mandated by Law No. 8/2016 is often ignored or implemented symbolically. Many state-owned and private enterprises fail to meet the employment quotas. Though the state has acknowledged that employment is both a constitutional right and a foundation for dignity and welfare, discriminatory practices, low enforcement, and lack of structural support continue to hinder inclusive labor market participation. There is a gap between “what ought to be” and “what is” in Indonesia's employment law for PwD. Legally, the state has committed to equality, inclusion, and empowerment. Yet, enforcement is weak, stigma is persistent, and structural inequalities remain unaddressed.

The condition of workers with disabilities in Indonesia, as illustrated through the interview with PRY, reveals a landscape of uneven opportunity, systemic barriers, and partial inclusion. Despite commitments through laws like Law No. 8 of 2016, which mandates employment quotas for PwD, the practical implementation remains a problem. In many cases, companies view the employment of PwD not as a legal obligation but as an optional value-add or a form of corporate social responsibility. This perception weakens enforcement and

accountability, as there are few sanctions for noncompliance. Rewards are given to companies that hire PwD, but those rewards are valued only as public recognition or certificates. Moreover, even where companies are open to inclusive hiring, they often lack the infrastructure and understanding to support PwD meaningfully in the workplace. Common problems include the absence of job matching systems, a lack of knowledge about different types of disabilities, and no structured accommodations for adaptation.

The majority of people with disabilities in Indonesia remain concentrated in the informal employment sector, largely because access to higher education is severely limited. As a result, many PwD cannot meet the formal qualifications required for roles in larger, formal companies. Even when PwD are hired, their career progression is often stagnant, as there is little to no pathway for promotion, and internal policies often carry stigma or bias against disability. Employers often lack awareness or hold stigmatizing views, believing that hiring a person with a disability means additional cost and lowered productivity, especially for psychosocial disabilities like those of people with psychosocial conditions. Additionally, many employers still lack awareness or resist accommodating employees with disabilities, and vocational training programs are not adequately tailored to PwD needs. Additionally, data show that only 3.11% of persons with disabilities aged 19–23 have completed tertiary education, compared to 3.95% among non-disabled peers. Meanwhile, a significant portion had not completed even primary school of 14.57% had never attended or completed any school at all.

PRY's work reflects both the opportunity and the struggle. PRY has successfully partnered with local companies like Alfamart and international companies like the Grand Hyatt Hotel to train and place workers with disabilities, yet challenges persist. Many companies are willing to learn but often focus only on recruitment, not on the full integration or long-term support that inclusive employment requires. For example, persons with psychosocial disabilities may need flexible schedules or emotional safety protocols, such as being allowed breaks if triggered by sensitive topics, yet such nuanced needs are rarely accommodated.

Data from BPS in 2023 shows that the number of workers with disabilities is still low, reaching only 0.55 percent of the total national workforce. This figure increased slightly compared to 2022 with 0.53 percent. However, this number is still far from expectations. Most people with disabilities work in the informal sector, many becoming entrepreneurs. The agricultural sector is the main absorber of workers with disabilities, reflecting the limited opportunities in the formal and industrial sectors. Furthermore, assistive infrastructure is severely lacking. There is no standard model of government-supported job coaches or disability employment services to bridge the gap between companies and PwD.

PRY has stepped in to fill this role informally, but without institutional backing or policy mandates, such efforts remain scattered. While some companies reach out to PRY for trained workers, once the worker is placed, the burden of communication, monitoring, and crisis management often falls solely on PRY and the worker's family, especially in cases involving mental health. The movement toward inclusion is active but incomplete. What exists today is a foundation in need of structural and cultural reinforcement. As PRY notes, true inclusivity requires a two-way approach that consist of empowering people with disabilities through capacity-building and support while also reforming corporate and governmental practices to fully accommodate and value diverse abilities in the workforce.

People with disabilities are full participants in the labor market, but real-world outcomes often reflect ongoing disparities that require both legal innovation and cultural change. To close this gap, Indonesia must move beyond normative declarations and implement rigorous oversight, employer education, accessibility mandates, and inclusive vocational training to achieve inclusion. That is where the legal protection theory can be utilized. Analyzing Soekanto's theory of legal protection through the lens of workers with disabilities in Indonesia allows us to see the multidimensional nature of law enforcement in the real world. His

framework, which emphasizes five core factors, offers a comprehensive sociological and normative-functional approach to understanding both the potential and limitations of legal protections.

1. Legal Framework

Indonesia's principal regulation on disability rights is Law No. 8 of 2016 concerning Persons with Disabilities, which mandates a 2% quota for civil service and a 1% quota in private companies. There is still absence of implementing regulations, especially for specific employment accommodations, which shows how legislative frameworks alone are insufficient without operational clarity.

2. Law Enforcers

Despite the legal obligations, law enforcers (government officials, labor inspectors) lack strong monitoring mechanisms. No structured sanctions exist for non-compliance, and efforts such as awarding inclusive employers are not matched by enforceable obligations. Field interviews show that companies perceive hiring persons with disabilities more as an act of corporate social responsibility than a legal duty.

3. Infrastructure and Facilities

Physical infrastructure and institutional readiness remain low. Public vocational centers and employment services are often not equipped to support inclusive employment adequately. According to BPS 2022, only 7.6 million of the 16.5 million working-age persons with disabilities were employed, and the majority work in the informal sector, where support structures are minimal.

4. Society

Stigma and misconceptions are still prevalent. Many employers fears about lower productivity or workplace disruptions, especially when it comes to psychosocial disabilities. As shown in the PRY interview, even when companies hire persons with disabilities, job matching is often poor, and turnover is high due to misunderstanding and inadequate adaptation. Community awareness campaigns and training for HR professionals are still rare and unsystematic.

5. Culture

The societal view of disability in Indonesia is gradually evolving but still faces entrenched cultural biases. Unlike countries such as Finland and Germany where disabilities are increasingly normalized through law and education, in Indonesia, inclusive thinking has not fully permeated everyday business and institutional culture. This is reflected in educational attainment of the 2020 BPS long-form census showed that only 4.66% of people with disabilities reach higher education, contributing to limited access to formal employment.

These empirical data validate Soekanto's theoretical model, highlighting that effective legal protection for workers with disabilities in Indonesia must address all five pillars.

The Role Of The Foundation As A Mediator Between Companies And Workers With Disabilities As Legal Protection Of Inclusive Employment

Legal protection plays a crucial role in realizing inclusive employment, ensuring that every individual has an equal opportunity to obtain employment and receive fair treatment in the workplace, regardless of their individual characteristics. Some important laws and regulations in this context are the Labor Law and the Human Rights Law. National laws often reflect this commitment to inclusion, however, the implementation varies widely and is frequently hindered. Despite the nation's efforts, many citizens with disabilities continue to experience exclusion in employment, there is a need for stronger enforcement and collaboration mechanisms to enforce their rights (Nagae, 2015). However, the state is not the only party that can realize legal protection for the realization of inclusiveness in employment.

The Foundation in the realization of employment inclusiveness acts as a mediator between workers with disabilities and companies or institutions as users. Disabled workers who become Foundation partners are assisted in developing themselves to have skills, be independent, and have a job. While the company or institution that opens recruitment for workers with disabilities will communicate to the Foundation regarding the type of work and infrastructure needs for prospective workers with disabilities. This communication is carried out to prepare an inclusive workplace.

The real form of recruitment can be described in the chart below.

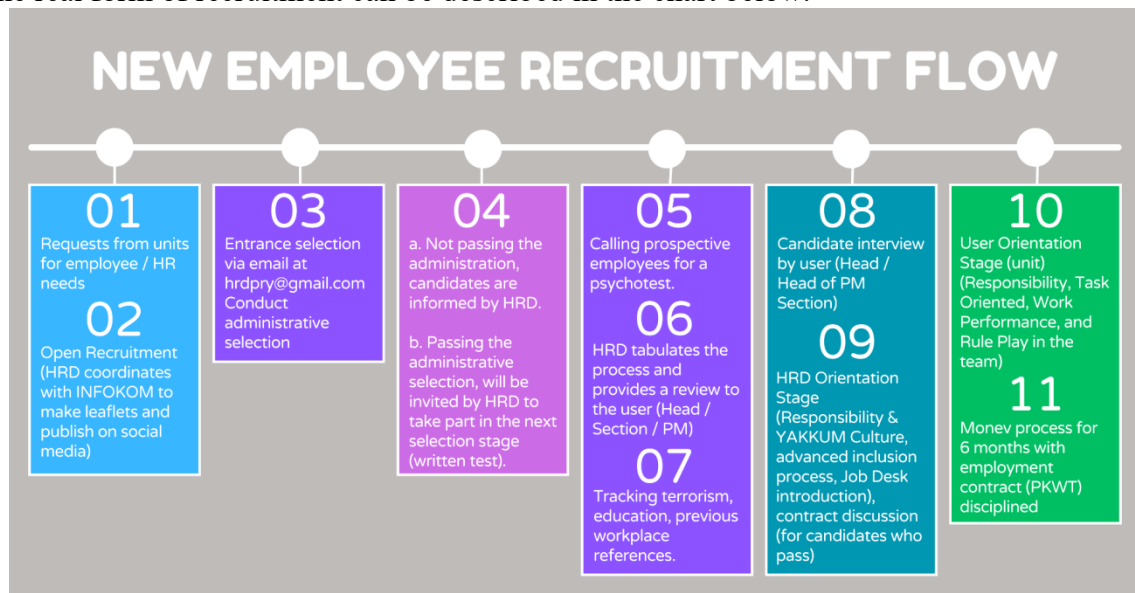


Figure 1. New employee recruitment process

While during the process of implementing employment relationships that occur between corporations and workers with disabilities, the Foundation will still provide assistance to partners and communicate when obstacles or problems occur in the implementation of work. For example, the work environment cannot accept the condition of workers or discriminatory treatment from other workers, then the Foundation will communicate and provide problem solutions to corporations. This condition often occurs.

The author argues that the existence of the Foundation in order to provide protection and fulfillment of the rights of persons with disabilities in the Special Region of Yogyakarta in particular and Indonesia is very important, although their role in creating an inclusive work environment for workers with disabilities is not regulated in law.

The role of the Foundation as described above can also be a model for the realization of inclusive legal protection for workers with disabilities. Reflecting on the role of one Foundation in Yogyakarta.

CONCLUSION

This study has shown that while Indonesia possesses a legal framework that formally acknowledges the rights of persons with disabilities, the implementation of inclusive labor protections remains significantly underdeveloped. Empirical findings from field evaluations demonstrate the critical role of intermediary foundations in translating legal promises into practice. The comparative analysis with countries such as Finland and Germany reveals that inclusion is best achieved through a synergy of robust legal mandates and facilitation. To realize the right to work as a fundamental human right for people with disabilities, legal protection theory must evolve from a purely normative function to a transformative instrument of social engineering, as proposed by Roscoe Pound and adapted through Soerjono Soekanto's

sociological lens. Therefore, this study concludes that firm legal protection is the foundation for inclusive employment. With clear regulations and effective implementation of the law, involving foundations as mediators between corporations and workers with disabilities will be able to create a fair and inclusive work environment for people with disabilities.

REFERENCE

- Alizah, B., & Mawar, M. (2023). Implementasi Kebijakan Unit Layanan Disabilitas bidang ketenagakerjaan di dinas tenaga kerja kabupaten tangerang. *Petanda: Jurnal Ilmu Komunikasi Dan Humaniora*, 6(1), 78–87.
- Broderick, A. (2015). *The long and winding road to equality and inclusion for persons with disabilities: The United Nations Convention on the Rights of Persons with Disabilities*. <https://doi.org/https://doi.org/10.26481/dis.20151120ab>
- Bruyère, S. M., Switzer, E., VanLooy, S., von Schrader, S., & Barrington, L. (2016). Translating Knowledge to Practice, and the Way Forward. *Disability and Employer Practices: Research Across the Disciplines*, 149.
- Clark, B. S., & Elliott, J. E. (2001). John Stuart Mill's Theory of Justice. *Review of Social Economy*, 59(4), 467–490. <https://doi.org/https://doi.org/10.1080/00346760127100>
- Crosby, F. J., Iyer, A., & Sincharoen, S. (2006). Understanding affirmative action. *Annu. Rev. Psychol.*, 57(1), 585–611. <https://doi.org/https://doi.org/10.1146/annurev.psych.57.102904.190029>
- Dennis, R. E., & Giangreco, M. F. (1996). Creating conversation: Reflections on cultural sensitivity in family interviewing. *Exceptional Children*, 63(1), 103–116.
- Emerson, E., Fortune, N., Llewellyn, G., & Stancliffe, R. (2021). Loneliness, social support, social isolation and wellbeing among working age adults with and without disability: Cross-sectional study. *Disability and Health Journal*, 14(1), 100965.
- Gregg, B. (2011). *Human rights as social construction*. Cambridge University Press. <https://doi.org/https://doi.org/10.1017/cbo9781139059626>
- Grześkowiak, A., Załuska, U., Kwiatkowska-Ciotucha, D., & Kozyra, C. (2021). People with disabilities in the workplace: results of a survey conducted among Polish and Finnish employers. *International Journal of Environmental Research and Public Health*, 18(20), 10934. <https://doi.org/https://doi.org/10.3390/ijerph182010934>
- Heymann, J. (2023). Needless barriers: Despite advances, equal rights for people with disabilities still lag far behind. *Global Social Policy*, 23(1), 184–187. <https://doi.org/https://doi.org/10.1177/14680181221146029>
- Jurado-Caraballo, M. Á., & Quintana-García, C. (2024). Disability inclusion in workplaces, firm performance, and reputation. *European Management Journal*. <https://doi.org/https://doi.org/10.1016/j.emj.2024.08.001>
- Katsui, H. (2020). The global disability rights realization in Finland: Deinstitutionalization of persons with intellectual disabilities. In *Disability, globalization and human rights* (pp. 61–74). Routledge. <https://doi.org/https://doi.org/10.4324/9781351043953-6>
- Kervégan, J. (2016). Towards an institutional theory of rights. *I That Is We, We That Is I': Perspectives on Contemporary Hegel*, 68–85. https://doi.org/https://doi.org/10.1163/9789004322967_005
- Moore, S. F. (1973). Law and social change: the semi-autonomous social field as an appropriate subject of study. *Law & Society Review*, 7(4), 719–746. <https://doi.org/https://doi.org/10.2307/3052967>
- Nagae, A. (2015). Disability employment and productivity. *Japan Labor Review*, 12(1), 56–75.
- Organization, I. L. (2015). *World report on child labour 2015: Paving the way to decent work for young people*. International Labour Organization.

- Organization, W. H. (2022). *Global report on health equity for persons with disabilities*. World Health Organization.
- Pinilla-Roncancio, M., & Rodríguez Caicedo, N. (2022). Legislation on disability and employment: to what extent are employment rights guaranteed for persons with disabilities? *International Journal of Environmental Research and Public Health*, 19(9), 5654. <https://doi.org/https://doi.org/10.3390/ijerph19095654>
- Posner, E. A. (2008). Human welfare, not human rights. *Columbia Law Review*, 1758–1801. <https://doi.org/https://doi.org/10.2139/ssrn.1105209>
- Safira, M. E. (2017). Law is a tool of social engineering dalam penanganan tindak pidana korupsi di Indonesia ditinjau dari hukum Islam dan perundang-undangan di Indonesia. *Kodifikasi*, 11(1), 181–208.
- Saragih, E. P., Darwis, R. S., & Raharjo, S. T. (2024). TANGGUNG JAWAB SOSIAL PERUSAHAAN DAN PROGRAM INKLUSIF PEGAWAI DISABILITAS DI INDONESIA. *Jurnal Penelitian Dan Pengabdian Kepada Masyarakat (JPPM)*, 5(3), 217–233. <https://doi.org/https://doi.org/10.24198/jppm.v5i3.46489>
- Simon, C. A. (2019). Education and social justice. In *A Student's Guide to Education Studies* (pp. 20–28). Routledge. <https://doi.org/https://doi.org/10.4324/9780429297212-4>
- Soekanto, S. (2011). *Faktor-faktor yang mempengaruhi penegakan hukum*.
- Stein, M. A. (2007). A quick overview of the United Nations Convention on the Rights of Persons with Disabilities and its implications for Americans with disabilities. *Mental and Physical Disability Law Reporter*, 31(5), 679–683.
- Treviño, A. J. (2017). *Social Control Through Law: Roscoe Pound*. <https://doi.org/https://doi.org/10.4324/9781315129495>
- Wang, C. S., Whitson, J. A., Anicich, E. M., Kray, L. J., & Galinsky, A. D. (2017). Challenge your stigma: How to reframe and revalue negative stereotypes and slurs. *Current Directions in Psychological Science*, 26(1), 75–80. <https://doi.org/https://doi.org/10.1177/0963721416676578>
- Wignjosoebroto, S. (2013). *Pergeseran paradigma dalam kajian-kajian sosial dan hukum*. Setara press.