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Beyond Single-Axis Protection: Reconstructing Labor Law for Disabled Women in Outsourcing Relations

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Abstract: Outsourcing arrangements place workers inside a triangular relationship. That relationship connects a principal company, an outsourcing agency, and the worker herself. Female workers with disabilities face a compounded disadvantage inside this structure. Their gender exposes them to wage discrimination. Their disability exposes them to exclusion from workplace accommodation. Indonesian labor law addresses gender, disability, and outsourcing status through three separate legal instruments. No prior study examines how these three conditions interact for a single worker. This research aims to reconstruct Indonesian labor law so that it treats this compounded condition as one distinct legal category. The research applies normative legal methods. It combines a statute approach with a conceptual approach. The statute approach examines Indonesian legislation, government regulations, and court decisions. The conceptual approach draws on intersectionality theory and the social model of disability. The results show that Indonesian law regulates disability, gender, and outsourcing status through three parallel tracks. These tracks never intersect. This separation produces a protection gap for disabled women placed through outsourcing agencies. The research proposes a reconstructed legal standard built on four components. These components are joint liability between the principal company and the outsourcing agency, a unified complaint procedure, grounding in international human rights instruments, and a statutory redefinition of employer status. This reconstruction gives Indonesian lawmakers a concrete pathway toward closing a protection gap that current law leaves invisible.

Keyword: Intersectional Discrimination; Disabled Women Workers; Outsourcing Law; Reasonable Accommodation; Indonesian Labor Law .

INTRODUCTION

Outsourcing has become a standard feature of modern employment. Companies transfer a portion of their workforce to third-party agencies. This arrangement lowers labor costs. It also creates a three-party relationship among the principal company, the outsourcing agency, and the worker. Studies from Mexico, France, and South Africa show that this triangular structure weakens the worker's bargaining position. (Rème-Harnay, 2024) Grimshaw and his

colleagues call this condition a “market exposure” problem.(Damian Grimshaw et al., 2019) The outsourcing agency competes on price. The worker absorbs the risk of that competition. Denmark and other European countries have tried to regulate multiparty work relationships through social dialogue.(Natalie Videbaek Munkholm, 2022) Indonesia has not reached the same level of protection.

Female workers with disabilities sit at the bottom of this outsourcing structure. They carry two identities that the labor market already treats as liabilities. Their gender exposes them to wage discrimination. Their disability exposes them to exclusion from reasonable accommodation. The literature confirms this compounded disadvantage. Benito, Glassman, and Hiedemann find a persistent earnings gap for disabled workers in the United States.(Shandra G. Benito, Thomas S. Glassman, 2016) Button, Khan, and Penn show that stronger employment discrimination protections reduce reliance on disability insurance, which means weak protections push disabled workers toward poverty.(Patrick Button, Mashfiqu R. Khan, 2022a) Namkung and Carr find that disabled persons report both interpersonal and institutional discrimination at the same time.(Eun Ha Namkung and Deborah Carr, 2019) None of these three studies, however, examines what happens when disability status meets outsourcing status. That gap is the starting point of this research.

Indonesian outsourcing regulation has moved fast in the past two years. The Constitutional Court issued Decision Number 168/PUU-XXI/2023, which reviewed the employment cluster of the Job Creation Law.(Constitutional Court, Decision No. 168/PUU-XXI/2023, 2024) The Minister of Manpower then issued Permenaker Number 7 of 2026 on outsourced work.(Gabungan Serikat Buruh Indonesia (GSBI), 2026) Labor unions responded to this regulation with concern. They argued that the new rule still leaves outsourced workers exposed to arbitrary termination.(Gabungan Serikat Buruh Indonesia (GSBI), 2026) Ginonggara and Riza reach a similar conclusion in their study of the electricity sector.(I Gede Ayusta Dharma Ginonggara and Marwati Riza, 2026) Sarbini, Hufon, and Chamdani argue that Indonesian outsourcing law protects the contractual relationship more than it protects the worker's welfare.(Sarbini, Hufon, 2026) These findings describe a system built for able-bodied male workers. Women with disabilities disappear from that picture entirely.

The disappearance is not accidental. It results from how legal categories are built. Disability law asks whether a workplace provides reasonable accommodation. Karjalainen and Ylhäinen describe this obligation as the central test of disability employment law in Europe.(Katja Karjalainen and Marjo Ylhäinen, 2021a) Gender discrimination law asks whether an employer treats women and men equally. Labor law asks whether an employment relationship is fair and secure. Each branch of law answers its own question well. None of them asks what happens when a worker faces all three problems inside a single job. A disabled woman in an outsourcing arrangement can lose a discrimination claim under disability law because her real employer is unclear. She can lose a claim under labor law because her contract classifies her as temporary. She falls through every gap that single-axis law leaves behind.

Intersectionality theory explains why single-axis analysis fails. Crenshaw coined the term to describe how Black women in the United States experienced discrimination that neither race law nor gender law could capture alone.(Crenshaw, 1989) Her argument still holds outside its original context. Martin applies the same logic to international criminal law and finds that narrow, single-category approaches produce incomplete remedies for victims.(Ana Martin, 2025) La Barbera, Cassain, and Caravantes trace how intersectionality moved from academic theory into public policy discourse, though they warn that many policies use the word without changing their legal structure.(MariaCaterina La Barbera, Laura Cassain, 2024) Sagmeister goes further and names this problem “legal invisibilisation.”(Maria Sagmeister, 2026a) A person who holds multiple marginalized identities becomes invisible to a law that only checks one identity at a time. Thompson, Rohwerder, and Mukherjee demonstrate this invisibility

directly. (Stephen Thompson, Brigitte Rohwerder, 2023) Their study of disability, religion, and gender in India shows that women with disabilities face exclusion patterns that no single anti-discrimination category explains on its own.

The social model of disability supplies a second theoretical anchor. Lawson and Beckett argue that disability is not a personal deficit. (Anna Lawson and Angharad E. Beckett, 2020a) It is a mismatch between a person's body and an environment built without that person in mind. This model shifts responsibility from the individual to the structure. An outsourcing agency that assigns a wheelchair user to a facility without ramp access creates the disability barrier, not the wheelchair itself. Fourie and Botes apply this reasoning to a South African discrimination case and show how courts still default to a medical, individual-blame framing instead. (Laetitia Fourie and Anri Botes, 2018a) Darcy, Taylor, and Green reach a similar conclusion in Australia. (Simon Darcy, Tracy Taylor, 2016) Employers who use human rights complaint processes still frame accommodation as charity rather than obligation. The social model, combined with intersectionality theory, gives this research its analytical foundation. Disability creates a structural barrier. Gender creates a structural barrier. Outsourcing status creates a third structural barrier. The three barriers do not simply add together. They interact and multiply.

Empirical studies from other developing countries strengthen this claim. Nguyen and Nguyen document how Vietnamese employers treat women with disabilities as undeserving of stable jobs, regardless of their qualifications. (Nu Nguyet Anh Nguyen and Thi Phuong Uyen Nguyen, 2026) Taruvinga and Muzingili find that Zimbabwean women with disabilities face a "triple constraint" after vocational training ends, which includes gender bias, disability stigma, and lack of capital. (Raymond Taruvinga and Taruvinga Muzingili, 2026) Cheausuwantavee and Keeratiphanthawong show that Thailand's disability employment quota system rarely reaches workers in informal or outsourced arrangements. (Tavee Cheausuwantavee and Sakulthip Keeratiphanthawong, 2021) Usman and Kusumo Projo find that Indonesian policy toward disabled entrepreneurs still leaves formal employment protections underdeveloped. (Hardius Usman and Nucke Widowati Kusumo Projo, 2021) These four studies span four different countries. Their conclusion repeats itself. Legal protection exists on paper. It rarely reaches the outsourced, disabled, female worker in practice.

This research fills a gap that existing scholarship has left open. Prior legal studies on outsourcing focus on contract classification and termination rights. (Sarbin, Hufron, 2026) Prior disability studies focus on accommodation and accessibility inside a stable employment relationship. (Ylhäinen, 2021) Prior gender studies focus on wage gaps and harassment. (Patrick Button, Mashfiqu R. Khan, 2022b) No prior legal study combines all three axes inside Indonesia's outsourcing system. This combination is the original contribution of this article. The article does not simply describe three separate problems side by side. It builds a single legal framework that treats disability, gender, and outsourcing status as one compounded condition, not three independent variables.

This research pursues one central objective. The article seeks to reconstruct Indonesian labor law so that it recognizes intersectional discrimination against disabled women in outsourcing relationships as a distinct legal category, rather than treating it as an overlap of three unrelated protections. To reach that objective, the article examines how current statutes define employer responsibility inside a triangular outsourcing relationship. It examines how disability law defines reasonable accommodation when the employer identity is unclear. It examines how international instruments, including the Convention on the Rights of Persons with Disabilities, frame state obligations toward disabled women in precarious work. (United Nations, 2006) The article then proposes a reconstructed legal standard that closes the protection gap identified in the sections above.

Intersectionality theory rejects a simple math of discrimination. Two disadvantages do not just add up to become a bigger disadvantage. They combine into one new experience. Kimberlé Crenshaw built this argument through the image of a traffic intersection. (Kimberlé Crenshaw, 1989) A Black woman standing at that intersection can be hit by traffic from any direction. She can be hit by race discrimination. She can be hit by sex discrimination. She can be hit by both forces at the same time. Single-axis law cannot see that combined force. Crenshaw showed that American courts kept splitting Black women's discrimination claims into a race claim and a separate sex claim. (Damian Grimshaw, Jo Cartwright, Arjan Keizer, 2019) Neither claim, filed alone, matched what the woman had actually experienced. This article borrows that same traffic intersection to describe the disabled woman inside an outsourcing arrangement.

Legal scholarship carried this insight far beyond American race and sex law. Ana Martin applies intersectional analysis to international criminal law. (Ana Martin, 2025) She finds that narrow, single-category approaches produce incomplete remedies for victims of sexual and gender-based crimes. In a later article, Martin argues that a rights-based, intersectional reading increases legal efficiency rather than complicating it. (Ana Martin, 2024) A single unified claim, in her account, catches harm that two separate claims would drop between them. La Barbera, Cassain, and Caravantes trace how intersectionality moved from a courtroom argument into a policy vocabulary. (MariaCaterina La Barbera, Laura Cassain, 2024) They warn that many governments now use the word as a label. Those same governments rarely redesign the legal structure behind that label. Maria Sagmeister names the result of this gap. (Maria Sagmeister, 2026b) She calls it legal invisibilisation. A worker who holds two or three marginalized identities becomes invisible to a law that checks only one box at a time.

Empirical studies confirm that this invisibility is not merely theoretical. Thompson, Rohwerder, and Mukherjee interview women with disabilities in India. (Stephen Thompson, Brigitte Rohwerder, 2023) Their subjects describe exclusion patterns that no single category, disability or gender or religion, explains on its own. Rodriguez and Bryson interview women and nonbinary people of color who live with cognitive disabilities in the United States. (Laura Spura Rodriguez and Stephanie A. Bryson, 2026) Their subjects describe an employment barrier built from race, disability, and gender at the same time. Catriona Cannon studies Muslim women inside British workplaces under the Equality Act 2010. (Catriona Cannon, 2023) She finds that religion and gender interact inside a single hostile encounter, not as two separate events. Sara La Vecchia extends the same logic into humanitarian law and argues that international instruments must read gender, age, and disability together when they protect women and girls in armed conflict. (Sara La Vecchia, 2023) Her argument matters here because it proves that intersectional reading already sits inside binding international law, not only inside academic theory.

This article uses intersectionality theory as a working tool, not as a slogan. The tool works in three steps. First, the article identifies each axis of disadvantage carried by a disabled woman inside an outsourcing arrangement. Gender is one axis. Disability is a second axis. Outsourcing status is a third axis. Second, the article asks whether Indonesian law treats these three axes separately or together. Third, the article measures the gap between separate treatment and lived experience. Had Indonesian labor law already merged these three axes into one legal category, this article would have little left to reconstruct. It has not. That gap drives every argument in the sections that follow.

The social model of disability moves the source of disability outside the body. A wheelchair does not create a barrier by itself. A staircase creates the barrier. Anna Lawson and Angharad Beckett describe this shift as a break from the older medical model. (Anna Lawson and Angharad E. Beckett, 2020b) The medical model asks what is wrong with the person. The social model asks what is wrong with the environment instead. Lawson and Beckett go one

step further and combine the social model with a human rights model, arguing that the two models complement each other rather than compete.(Katja Karjalainen and Marjo Ylhäinen, 2021b) Disability, in their combined reading, becomes both a structural mismatch and a rights violation at the same time.

European labor law has already built a legal duty on top of this theory. Katja Karjalainen and Marjo Ylhäinen examine the obligation to provide reasonable accommodation to an employee with a disability.(Katja Karjalainen and Marjo Ylhäinen, 2021a) The employer, under this obligation, must adjust the workplace to fit the worker. The worker does not have to adjust his or her body to fit the workplace. This obligation flips the older assumption on its head. The workplace bends. The worker does not.

Courts do not always apply the social model consistently, even where the law demands it. Laetitia Fourie and Anri Botes examine a South African disability discrimination case involving infertility.(Laetitia Fourie and Anri Botes, 2018b) The court in that case kept falling back into a medical, individual-blame framing, despite South Africa's strong constitutional commitment to substantive equality. Simon Darcy, Tracy Taylor, and Jenny Green find a similar pattern in Australia.(Simon Darcy, Tracy Taylor, 2016) Employers in their study treated workplace accommodation as an act of charity. They treated it as a favor granted to a grateful worker, not as an obligation owed to a rights holder. Evan Kirksey and Kendal Lyssy document the same pattern from inside a disability-focused workplace itself, through direct ethnographic observation.(Evan Kirksey and Kendal Lyssy, 2026) Even an organization built around disability inclusion, in their account, can still reproduce ableist assumptions in its daily culture. Janet Lord extends the social model into international humanitarian law and argues that the Convention on the Rights of Persons with Disabilities requires states to treat disability as a structural condition even during armed conflict.(Janet E. Lord, 2023) Her argument confirms that the social model has moved from disability scholarship into binding treaty interpretation, in much the same way that intersectionality theory did.

This article applies the social model of disability to one specific structure: the triangular outsourcing relationship. An outsourcing agency that assigns a wheelchair user to a facility without ramp access creates the disability barrier. The facility creates that barrier, not the wheelchair. The same logic applies to a principal company that writes an accommodation duty into its contract with the agency, then never enforces that duty. The barrier, in both cases, sits inside the legal and organizational structure. It does not sit inside the worker's body. This is the second lens the article carries into its statutory analysis.

Intersectionality theory and the social model of disability do not compete inside this article. They combine into one integrated lens. The social model explains why disability becomes a barrier only inside a specific structure. Intersectionality explains why that structural barrier changes shape once gender and outsourcing status are added to it. Grimshaw and his colleagues already showed that outsourcing itself pushes market risk downward onto the worker.(Damian Grimshaw et al., 2019) Combine that downward push with a disability barrier and a gender wage gap, and the result is not three separate problems sitting side by side. The result is one compounded condition.

Empirical labor market research supports this compounding claim outside the legal literature as well. Chaudhury and Sinha study labor market outcomes in India and find that education alone does not equalize outcomes across gender and social groups.(Anjan Ray Chaudhury and Madhabendra Sinha, 2020) Structural discrimination survives even after a worker gains formal qualifications. The same survival pattern likely holds for a disabled woman who gains formal skills but remains locked inside a precarious outsourcing contract. Her qualifications do not remove the structural barrier around her. The barrier moves with the job category. It does not move with the individual worker.

This integrated framework guides the rest of the article in three concrete ways. First, the statute approach in the next section reads each Indonesian law through both lenses at once, rather than treating disability law, gender law, and labor law as three separate checklists. Second, the conceptual approach draws on the traffic intersection image and the structural barrier image together when the article proposes a reconstructed legal standard. Third, the article's final recommendation treats the disabled woman in an outsourcing arrangement as one legal subject holding one compounded claim. It does not treat her as three claimants sharing one body. That single move, small as it looks on paper, is the reconstruction this article promises in its title.

METHODOLOGY

This research applies normative legal research. Normative research examines law as a system of norms, not as a social behavior to be measured through surveys or interviews. The research draws its primary data from statutes, regulations, and court decisions. These sources include Law Number 8 of 2016 on Persons with Disabilities, Government Regulation Number 35 of 2021, Permenaker Number 7 of 2026, and Constitutional Court Decision Number 168/PUU-XXI/2023.(Constitutional Court, Decision No. 168/PUU-XXI/2023, 2024) International instruments, including ILO Convention Number 111 and the Convention on the Rights of Persons with Disabilities, serve as comparative primary sources.(International Labour Organization, 1958) Secondary data come from peer-reviewed journal articles, legal commentaries, and institutional reports published by the International Labour Organization.

Two legal approaches guide the analysis. The statute approach examines the text of relevant legislation to identify how each law defines employer, worker, disability, and discrimination. This approach exposes the gaps described in the earlier paragraphs. The conceptual approach draws on intersectionality theory and the social model of disability to interpret those gaps and to build the reconstructed framework. Data analysis follows a qualitative, prescriptive method. The article first describes the current legal condition. It then evaluates that condition against the two theoretical frameworks. It finally proposes a normative solution grounded in both Indonesian and international legal sources. This method allows the article to move from diagnosis to reconstruction, which matches the reconstructive ambition stated in its title.

RESULT AND DISSCUSSION

The Legal Data: Three Separate Regulatory Tracks

Indonesian labor law regulates disability, gender, and outsourcing status through three separate instruments. Each instrument answers one narrow question. None of the three instruments speaks to the other two. This separation is the first finding of this research. The finding matters because it sets the baseline against which the theoretical framework in the previous section can now be tested.

Law Number 8 of 2016 on Persons with Disabilities carries the primary disability standard.(Law Number 8 of 2016 on Persons with Disabilities, 2016 No. 69, 2016) Article 5 grants every person with disability the right to work, to entrepreneurship, and to cooperative membership.(Law Number 8 of 2016 on Persons with Disabilities, 2016 No. 69, 2016) Article 11 adds the right to obtain work without discrimination, the right to equal pay, and the right to proper workplace accommodation.(Law Number 8 of 2016 on Persons with Disabilities, 2016a) Article 53 turns these rights into a hiring quota. Public institutions must employ at least two percent of their workforce from among persons with disabilities. Private companies must employ at least one percent.(Law Number 8 of 2016 on Persons with Disabilities, 2016b) The quota duty attaches to "employers" in general terms. The statute never defines that word inside a triangular outsourcing relationship.

Government Regulation Number 35 of 2021 sets the rules for fixed term contracts, outsourcing, and termination inside Indonesian labor law. (Government Regulation Number 35 of 2021, 2021) Shalihah and colleagues studied the fixed term contract provisions of this regulation. They found that legal certainty for the worker remains weak. (F. Shalihah, O. Adhayanto, M. Indra, 2022) The Constitutional Court sharpened this weakness in Decision Number 168/PUU-XXI/2023. (Constitutional Court, Decision No. 168/PUU-XXI/2023, 2024) The Court reviewed the employment cluster of the Job Creation Law. It ordered narrower limits on outsourcing arrangements. The Minister of Manpower answered with Permenaker Number 7 of 2026 on outsourced work. (Regulation of the Minister of Manpower Number 7 of 2026 on Outsourced Work.) Labor unions read the new rule differently than the government did. The Gabungan Serikat Buruh Indonesia argued that the regulation still leaves outsourced workers exposed to arbitrary termination. (Gabungan Serikat Buruh Indonesia (GSBI), 2026) Ginonggara and Riza reached a similar conclusion from a sector study of electricity workers. (I Gede Ayusta Dharma Ginonggara and Marwati Riza, 2026) Sarbini, Hufron, and Chamdani go further. They argue that Indonesian outsourcing law protects the contract relationship more than it protects the worker. (Sarbini, Hufron, 2026) None of these sources, however, mentions disability status or gender at all.

Law Number 13 of 2003 on Manpower carries the gender non-discrimination standard. Article 5 gives every worker equal opportunity to obtain work without discrimination. (Law Number 13 of 2003 on Manpower, 2003a) Article 6 gives every worker equal treatment from the employer without discrimination. (Law Number 13 of 2003 on Manpower., 2003) The official elucidation of Article 5 lists sex, ethnicity, race, religion, and political affiliation as prohibited grounds. The same elucidation adds persons with disabilities as a group entitled to equal treatment. (Law Number 13 of 2003 on Manpower, 2003b) This listing places gender and disability inside one sentence. It does not, however, build one legal test for the two grounds. A worker still has to prove either a gender claim or a disability claim. Indonesian labor law offers no combined claim.

International instruments repeat this same separation. The Convention on the Rights of Persons with Disabilities protects the right to work under Article 27. (Convention on the Rights of Persons with Disabilities, 2006) The same Convention places women with disabilities inside a dedicated provision, Article 6. That provision recognizes that these women face multiple discrimination. It requires states to take specific measures for them. (United Nations, 2006) ILO Convention Number 111 lists the grounds of prohibited discrimination in employment. The 1958 list covers race, colour, sex, religion, political opinion, national extraction, and social origin. (International Labour Organization, 1958) Disability does not appear on that original list. States may add grounds through domestic law. Indonesia has done exactly that through Law Number 8 of 2016. The addition, however, sits in a separate statute from the gender ground. The international architecture, like the domestic one, keeps disability and gender on separate tracks.

The triangular structure at the center of this problem is not unique to Indonesia. Téllez-Ramírez and Sánchez-Salazar traced how outsourcing weakened worker bargaining power inside the Mexican mining sector over fifteen years. (Law Number 13 of 2003 on Manpower, 2003b) Rème-Harnay found the same weakening among French parcel delivery drivers working under subcontracted arrangements. (Rème-Harnay, 2024) du Toit documented an identical pattern among South African domestic workers placed through agencies. (David du Toit, 2023) Munkholm showed that even Denmark, with its strong social dialogue tradition, still had to build special rules for multiparty work relationships. Grimshaw and colleagues named the (Natalie Videbaek Munkholm, 2022) underlying mechanism "market exposure." The outsourcing agency competes on price. The worker absorbs the cost of that competition. (Damian Grimshaw et al., 2019) Four countries, four legal systems, one repeated

pattern. The pattern confirms that outsourcing itself creates a structural bargaining problem before disability or gender ever enters the picture.

The data collected for this research show three regulatory tracks running in parallel. Disability law defines a duty holder without settling who that duty holder is inside outsourcing. Labor law defines the outsourcing relationship without asking who inside it might carry a disability. Gender law defines equal treatment without asking how outsourcing status changes that treatment. The three tracks never cross. Section 3.2 now tests this finding against the theoretical framework built earlier in this article.

The Incongruity Between the Data and the Theoretical Framework

The theoretical framework built earlier in this article supplied two lenses. Intersectionality theory supplied the first lens.(Crenshaw, 1989) The social model of disability supplied the second.(Anna Lawson and Angharad E. Beckett, 2020a) Both lenses predict a compounded harm. Neither lens predicts three separate, non-interacting protections. The data presented in Section 3.1, however, show exactly that separation. This mismatch is the central argument of this research.

Reasonable accommodation, under the social model, requires one clear duty holder.(Anna Lawson and Angharad E. Beckett, 2020a) Karjalainen and Ylhäinen describe this obligation as the core test of European disability employment law.(Katja Karjalainen and Marjo Ylhäinen, 2021a) The employer must adjust the workplace. The worker does not have to adjust her body. Indonesian outsourcing law breaks this clean assignment. Article 53 of Law Number 8 of 2016 addresses "employers" in general terms. Government Regulation Number 35 of 2021 splits one job into two parties, the principal company and the outsourcing agency. Neither statute states which of the two parties carries the accommodation duty. Ginonggara and Riza already found that outsourced electricity workers lose normative protection inside exactly this same gap.(I Gede Ayusta Dharma Ginonggara and Marwati Riza, 2026) A disabled woman placed by an outsourcing agency inherits that same gap, doubled.

Comparative evidence confirms that this gap does not close by itself, even where the accommodation duty is written into law. Fourie and Botes examined a South African discrimination case. They found that the court kept falling back into a medical framing, despite the country's strong constitutional equality guarantee.(Laetitia Fourie and Anri Botes, 2018a) Darcy, Taylor, and Green found a similar retreat in Australia. Employers in their study treated accommodation as an act of charity rather than as an obligation owed to a rights holder.(Laetitia Fourie and Anri Botes, 2018a) Kirksey and Lyssy pushed this finding further. Their ethnography found ableist assumptions surviving even inside an organization built specifically around disability inclusion.(Evan Kirksey and Kendal Lyssy, 2026) If accommodation duties collapse this often where the duty holder is clear, the duty is unlikely to survive at all where Indonesian law leaves the duty holder undefined.

The gender axis shows the same weakness from a different angle. Article 5 and Article 6 of Law Number 13 of 2003 assume a direct relationship between one worker and one employer.(Law Number 13 of 2003 on Manpower, 2003b) Outsourcing status breaks that assumption before gender discrimination even enters the analysis. Nguyen and Nguyen studied Vietnamese employers. They found that these employers treated women with disabilities as undeserving of stable jobs, regardless of the women's actual qualifications.(Nu Nguyet Anh Nguyen and Thi Phuong Uyen Nguyen, 2026) Taruvinga and Muzingili documented a "triple constraint" facing self-employed women with disabilities in Zimbabwe. Gender bias, disability stigma, and lack of capital combined into one barrier, not three separate ones.(Raymond Taruvinga and Taruvinga Muzingili, 2026) Cheausuwantavee and Keeratiphanthawong reached a parallel finding in Thailand. Their country's disability employment quota rarely reaches workers inside informal or outsourced arrangements.(Tavee Cheausuwantavee and

Sakulthip Keeratiphanthawong, 2021) Four countries confirm the same failure. Single-axis protection does not reach the compounded worker.

Crenshaw's traffic intersection returns here with sharper meaning. (Crenshaw, 1989) A disabled woman inside an outsourcing arrangement stands at a crossing built from three separate roads. Disability law built one road. Gender law built a second road. Outsourcing law built a third. None of the three roads connects to the others at the intersection itself. A car can strike her from any direction, yet she can only file a claim on one road at a time. Sagmeister's term for this condition, legal invisibilisation, describes exactly what the Indonesian data reveal. (Maria Sagmeister, 2026a) The woman does not lack legal protection on paper. She loses that protection at the exact point where the three protections would need to meet.

This compounding pattern is not confined to labor law. Samimi, Jefferson, Flanagan, and Anyon studied school discipline outcomes for Black students in the United States. They found that disability status and gender interact to produce harsher discipline outcomes than either category predicts alone. (Samimi, N. Jefferson, S. Flanagan, and Y. Anyon, 2023) Thompson, Rohwerder, and Mukherjee interviewed women with disabilities in India. They recorded exclusion patterns that no single category, disability, gender, or religion, explained by itself. (Stephen Thompson, Brigitte Rohwerder, 2023) The pattern appears in an American school system. The pattern appears in an Indian village. The pattern appears in an Indonesian outsourcing contract. A structural mechanism, not a local accident, produces it.

The theoretical framework predicted a multiplicative harm. The regulatory data show an additive design instead. Three statutes, three duty holders, three separate proof requirements. A disabled woman working through an outsourcing agency has to split her single lived experience into three legal fictions before any Indonesian court or agency will hear her. That splitting is the incongruity this research set out to identify. It is also the exact space the next section proposes to close.

Reconstructed Standard for Compounded Discrimination

This research proposes one reconstructed legal standard. The standard treats disability status, gender, and outsourcing status as one compounded condition inside a single legal claim. The standard does not ask a disabled outsourced woman to file three separate cases. It asks Indonesian law to see her as one legal subject carrying one integrated harm. This is the novelty the title of this article promises.

The first component closes the employer identity gap identified in Section 3.2. Indonesian law should impose joint and several liability on the principal company and the outsourcing agency for both the accommodation duty and the anti-discrimination duty. Neither party could then point to the other as the true employer. Rème-Harnay's French data show what happens when this liability question stays open. (Rème-Harnay, 2024) Subcontracted delivery drivers absorb the ambiguity as unpaid risk. Indonesian law can avoid that same outcome by naming both parties as co-duty holders from the start.

The second component builds a unified claim procedure. A disabled outsourced woman should file one complaint that covers gender, disability, and outsourcing status together, rather than three complaints filed separately. Martin argues that a rights based, intersectional reading increases legal efficiency rather than complicating it. (Ana Martin, 2024) A single claim catches harm that two separate claims would drop between them, in her account. An integrated desk, jointly staffed by the National Disability Commission and Komnas Perempuan, could receive and process that single claim inside Indonesia's existing institutional structure.

International law already supplies the interpretive method for this reconstruction. Article 6 of the Convention on the Rights of Persons with Disabilities recognizes multiple discrimination against women with disabilities as its own legal category, not as an overlap of two separate categories. (Convention on the Rights of Persons with Disabilities, 2006) La

Vecchia shows that international humanitarian law can already read gender, age, and disability together when protecting women and girls in armed conflict. (Sara La Vecchia, 2023) If binding international instruments can hold three grounds inside one legal test, Indonesian domestic labor law can build the same architecture for a much narrower and more manageable population of outsourced workers.

The final component amends the definitional language itself. Article 1 of Law Number 8 of 2016 should name the principal user company explicitly as a co-employer inside outsourcing arrangements, solely for accommodation and anti-discrimination purposes. This single definitional change removes the escape route both parties currently use against each other. It also gives the quota mechanism in Article 53 an actual address to enforce against. A rule without an address, as the data in Section 3.1 already showed, is a rule that nobody has to obey.

Four components together build the reconstructed standard. Joint liability closes the employer gap. A unified claim procedure closes the procedural gap. International grounding supplies legal legitimacy. Statutory redefinition closes the definitional gap. None of the four components requires a new institution. Each component reuses an institution Indonesian law already has. Each component simply points that institution at the compounded worker, instead of at three separate categories.

This research carries three specific strengths. First, it is the first Indonesian normative legal study to place disability status, gender, and outsourcing status inside one legal framework, rather than treating them as three unrelated checklists. Second, it draws its comparative evidence from peer reviewed, Scopus indexed literature spanning at least eight countries across four continents. Third, it integrates two theoretical frameworks, intersectionality theory and the social model of disability, that Indonesian labor scholarship has rarely combined inside a single study. These three strengths give the reconstructed standard proposed above a wider evidentiary base than a single country study could offer alone.

The research also carries clear limits. Normative legal research reads statutes and court decisions. It does not interview a single outsourced disabled woman. The conclusions above rest on textual analysis, not on field testimony from the population the article writes about. Permenaker Number 7 of 2026 became law only weeks before this article was written. No implementation record exists yet for that regulation. The proposed reconstruction therefore remains a normative projection rather than a tested reform. The comparative sources drawn from Mexico, France, South Africa, Zimbabwe, Vietnam, and Thailand also come from different legal families. A civil law rule from France does not transplant into Indonesian law without adjustment. This research has not tested that adjustment empirically.

These limits point directly toward the next research step. A socio-legal empirical study, built on interviews with outsourced women workers with disabilities, could test whether the reconstructed standard proposed in Section 3.3 actually changes outcomes on the ground. Such a study should wait until Permenaker Number 7 of 2026 has operated for at least two years, long enough to generate real complaints and real agency responses. Until that data exists, this article offers a normative map rather than a field report. The map, even so, marks a route that Indonesian labor law has not drawn before

CONCLUSION

Indonesian labor law treats disability, gender, and outsourcing status as three separate legal tracks. Each track answers only one question. Law Number 8 of 2016 defines the accommodation duty without naming the duty holder inside a triangular outsourcing relationship. Law Number 13 of 2003 protects gender equality without addressing how outsourcing status changes that protection. Government Regulation Number 35 of 2021 and Permenaker Number 7 of 2026 regulate the outsourcing relationship without asking who inside that relationship might carry a disability. This separation contradicts the two theoretical lenses

applied in this research. Intersectionality theory predicts a compounded harm, not three parallel harms. The social model of disability requires one clear duty holder, not two competing parties who can each point to the other. The data show an additive design where the theory predicts a multiplicative one. This mismatch is the central finding of the research. It confirms that a disabled woman inside an outsourcing arrangement experiences legal invisibilisation. She does not lack protection on paper. She loses that protection at the exact point where three separate protections should meet but never do. The novelty of this research lies in its reconstructed standard. That standard treats disability status, gender, and outsourcing status as one compounded legal claim. It rejects the current practice of splitting one lived experience into three separate legal fictions.

The research recommends four concrete steps for Indonesian lawmakers. Lawmakers should impose joint and several liability on the principal company and the outsourcing agency. Neither party could then escape the accommodation duty by naming the other as the true employer. Lawmakers should also build a unified complaint procedure. A disabled outsourced woman should file one integrated claim, not three separate ones. Komnas Perempuan and the National Disability Commission can jointly staff this procedure inside Indonesia's existing institutional structure. Lawmakers should ground this reconstruction in international instruments. Article 6 of the Convention on the Rights of Persons with Disabilities already recognizes multiple discrimination against women with disabilities as one legal category. Indonesian domestic law can build the same architecture. Lawmakers should finally amend Article 1 of Law Number 8 of 2016 to name the principal company as a co-employer for accommodation and anti-discrimination purposes. This single definitional change would close the escape route that both parties currently use against each other. Future researchers should test this reconstructed standard through field interviews with outsourced disabled women. That empirical study should wait until Permenaker Number 7 of 2026 has operated long enough to generate real complaints and real institutional responses.

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