

CHAPTER I

INTRODUCTION

A. Background

People with disabilities are often considered incapable of carrying out activities because of the limitations of their movements. For persons with disabilities, employment opportunities for them are still very limited and even underestimated by employers who need workers. As a rule of law, the Indonesian state must protect the rights of persons with disabilities, as one of the constitutional rights as stipulated in Law Number 28I paragraph (2) of the 1945 Constitution of the Republic of Indonesia, namely: “Everyone has the right to be free from discriminatory treatment on any basis and is entitled to protection against such discriminatory treatment”.¹

Work has a very important role in human life because it is a source of income to meet the needs of their lives and that of their families. Work is also interpreted as a means to improve a person's abilities so that he can feel his life becomes more valuable for himself, his family, and the environment. Therefore, the right to work is a human right that must be respected and upheld by every human being. Every Indonesian citizen has the right to decent work as mandated in Law Number 27 paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which states that: “Every citizen

¹ Priamsari, RR. Putri A, “Hukum yang Berkeadilan bagi Penyandang Disabilitas”, *Masalah - Masalah Hukum*, No. 2 (2019), 215-223.

of the Republic of Indonesia has the right to work and a decent living for humanity". The right to work is the right of every Indonesian citizen, including citizens with disabilities. Even though the Constitution provides equal rights for all citizens, in reality people with disabilities still have fewer job opportunities compared to the general public.

According to Tambunan, job opportunities are jobs that have been occupied but are still vacant. Because there is a need for these vacant jobs, there are job opportunities for those who are unemployed. Numerous factors affect the quantity of employment or the actual need for labor that a company requires. The most important of these factors are the business prospects or output growth of the company, the prices of other factors of production that can replace the function of labor, for example, capital goods, as well as labor costs or salaries that must be paid. Expansion of productive employment opportunities does not only create new jobs but also efforts to increase work productivity, which are generally accompanied by the provision of remuneration that is commensurate with the work done by each employee.²

Currently, the high unemployment rate is a problem for employment in Indonesia. Job seekers who even meet physical health standards still experience difficulties finding work, so it is possible for job seekers with disabilities to also experience more serious problems accessing job

² Tambunan, 2002, *Tenaga Kerja*, Yogyakarta, Bpfe, 80.

opportunities.³ Referring to this law, the government has guaranteed that persons with disabilities have equal opportunities to get a job, based on Article 53 paragraphs (1) and (2) of Law Number 8 of 2016 concerning Persons with Disabilities⁴ which reads:

(1) The Government, Regional Government, State-Owned Enterprises (BUMN), and Regional-Owned Enterprises (BUMD) are required to employ at least 2% of Persons with Disabilities of the total number of employees or workers.

(2) Private companies are required to employ at least 1% of Persons with Disabilities of the number of employees or workers.⁵

In addition, according to Article 20 paragraph (1) of Government Regulation Number 70 of 2019 Concerning Planning, Implementation, and Evaluation of Respect, Protection, and Fulfillment of the Rights of Persons with Disabilities, it stipulates that Persons with Disabilities and stakeholders can participate in the Planning, Implementation and Evaluation process towards Respect, Protection, and Fulfillment of the rights of Persons with Disabilities.⁶

³ Abdul Latief Danu Aji, and Tiyas Nur Haryani, “Diversitas dalam Dunia Kerja: Peluang dan Tantangan bagi Disabilitas Diversity in Work Realm: Opportunity and Threat to Disability”, *Spirit Publik*, Vol. 12, No. 2 (2017), 83– 93.

⁴ Law Number 8 of 2016 concerning Persons with Disabilities

⁵ Istifaroh and Widi Cahyo Nugroho, “Perlindungan Hak Disabilitas Mendapatkan Pekerjaan di Perusahaan Swasta dan Perusahaan Milik Negara”, *Jurnal Mimbar Keadilan*, Vol. 12, No. 1 (2019), 22.

⁶ Government Regulation Number 70 of 2019 concerning Planning, Implementation and Evaluation of Respect, Protection and Fulfillment of the Rights of Persons with Disabilities.

Opportunities for people with disabilities to get a job are lower than those without disabilities. Work is a right as well as an obligation for people of productive age, including people with disabilities. At the world level, unemployment reaches 80% to 90% of people with disabilities in both developed and developing countries.⁷ Meanwhile, the level of work participation of persons with disabilities in Indonesia is still low. The research results from Engelbrecht and Lorenzo⁸ reveal that by working and receiving income, persons with disabilities can live independently and contribute to family finances, as well as several other positive impacts for persons with disabilities, namely deconstructing the meaning of disability⁹, having an effect on self-esteem, and increasing their self-confidence.¹⁰ Unfortunately, the negative stigma against people with disabilities often makes employment opportunities for people with disabilities more limited. Even though there have been efforts made by various countries including Indonesia, it turns out that the number of people with disabilities participating in the world of work is still minimal.

⁷ Deepti Samant Raja, "Bridging the Disability Divide through Digital Technologies-Background Paper for the 2016 World Development Report: Digital Dividends", *World Development Report* (2016), 5.

⁸ Engelbrecht, M., & Lorenzo, T, "Exploring the Tensions of Sustaining Economic Empowerment of Persons with Disabilities through Open Labour Market Employment in the Cape Metropole", *South African Journal of Occupational Therapy*, Vol. 20, No. 1 (2010), 8-12.

⁹ Lin, Z., Zhang, Z., & Yang, L, "Self as Enterprise: Digital Disability Practices of Entrepreneurship and Employment in the Wave of "Internet + disability" in China", *Information, Communication & Society*, Vol. 22, No. 4 (2018), 1-16.

¹⁰ Utami Dewi, et.al., "Employment Governance for People with Disabilities: Comparative Study between Indonesia and Malaysia. In International Conference on Educational Research and Innovation (ICERI 2019)", *Atlantis Press* (2020), 232-238.

Some people, including employers, still view a person with a disability as someone who cannot work properly and has no skills. This causes employers to hesitate to employ people with disabilities and makes it difficult to implement the 1% quota. In recruiting new employees, many companies still look at workers with disabilities by looking at their physical condition without knowing the capabilities of persons with disabilities themselves. Behind that, the problem of labor and community empowerment also requires the role of the government, especially those tasked with dealing with this problem. So that in carrying out their respective roles, they must understand and carry out the rights and obligations of each party. In practice, job recipients include not only the general public but also people with disabilities. Providers of fields or employment opportunities must expand employment opportunities for persons with disabilities by adjusting the abilities or potential of persons with disabilities themselves.

In Bantul Regency itself, Regarding the Right to Work Opportunities for persons with disabilities has been regulated in Bantul Regency Regional Regulation Number 3 of 2021 Amendment to Regional Regulation Number 11 of 2015 concerning Fulfillment of the Rights of Persons with Disabilities.¹¹ Unfortunately, until now these regional regulations have not been well socialized to companies and people with disabilities themselves.

¹¹ Regional Regulation of Bantul Regency Number 3 of 2021 concerning Fulfillment of the Rights of Persons with Disabilities

According to data from interviews from the social service which recorded the number of persons with disabilities in Bantul district, the number of persons with disabilities in 2022 was 8522 people, including 4605 men and 3917 women. Since the enactment of this regional regulation, there are still many companies that have not employed people with disabilities due to the standards set by the companies themselves. Some companies also do not know that there are rules that require companies to employ persons with disabilities in a number adjusted to the number of employees. This is evidenced by the fact that there are very few companies that employ people with disabilities, considering the large number of companies in Bantul. Based on data from the Manpower and Transmigration Office of Bantul Regency, out of 1,900 companies that are required to report, at the end of 2022, there will still be 16 companies that are already employing people with disabilities. Meanwhile, although the rest have been provided, the majority have not been filled by workers with disabilities.¹²

Given these problems, the Manpower and Transmigration Office of Bantul Regency launched the Disability Service Unit in the Employment Sector. The program aims to provide information and help with job placement for people with disabilities in Bantul Regency. Not only that, but the program also aims to ensure that companies can implement central government regulations and regional regulations related to fulfilling the

¹² Ujang Hasanudin, 2022, *Duh dari Ribuan Perusahaan di Bantul, Baru 16 Tempat yang Mempekerjakan Difabel*, <https://jogjapolitan.harianjogja.com/read/2022/08/18/511/1109250/duh-dari-ribuan-perusahaan-di-bantul-baru-16-tempat-yang-mempekerjakan-difabel>. (accessed on November 14, 2022).

rights of people with disabilities in the field of employment. Therefore, his party also cooperates with companies through Human Resource Development (HRD) so that they can provide job vacancies for persons with disabilities.¹³

This research is different from previous research, where this study discussed “The Role of the Manpower and Transmigration Office in Increasing Employment Opportunities for Persons with Disabilities in Bantul Regency”, while previous research namely “Legal Protection for Persons with Disabilities in Recruiting Workers in Private Companies in the City of Yogyakarta”. The previous study discussed the legal protection of persons with disabilities in recruiting workers with a broader research scope in the City of Yogyakarta. Meanwhile, the author conducted research on the Role of the Government, namely the Manpower and Transmigration Office in increasing employment opportunities for persons with disabilities, with a more specific research scope, namely in Bantul Regency.

B. Formulation of the Problems

Based on the background of the problem above, the problem raised is, what is the role of the Manpower and Transmigration Office in increasing employment opportunities for persons with disabilities in Bantul Regency and the obstacles. To reinforce the research, the problem can be formulated as follows:

¹³ *Ibid*

1. What is the Role of the Manpower and Transmigration Office in Increasing Employment Opportunities for Persons with Disabilities in Bantul Regency?
2. What are the Inhibiting Factors in Increasing Employment Opportunities for Persons with Disabilities in Bantul Regency?

C. Objectives of Research

Based on the formulation of the problems above, the objectives of this study include the following:

1. To identify the Role of the Manpower and Transmigration Office in Increasing Employment Opportunities for Disabilities in Bantul Regency
2. To identify the Inhibiting Factors in Increasing Employment Opportunities for Disabilities in Bantul Regency

D. Benefits of Research

The benefits of this research are carried out with the hope of being able to provide benefits, both theoretical and practical benefits:

1. Theoretical Benefits

The results of this research are expected to be material for reference in the development of legal science in general, especially in the field of labor law related to employment opportunities for persons with disabilities, as well as being able to provide information and knowledge, especially to students and the general public regarding employment opportunities for persons with disabilities based on applicable laws.

Another benefit is that it can make this research a reference and scientific papers that can be used as formulations in legal comparisons.

2. Practical Benefits

- a. For the government: Through this research, it is hoped that the regional government of Bantul Regency can implement the government's role, especially regarding employment opportunities for people with disabilities, and provide more knowledge and socialization to the community, especially to companies so that they do not discriminate in the treatment of people with disabilities and act fairly by opening jobs according to the field.
- b. For the community: Through this research, it can be input for people who provide employment opportunities so they can understand and know how to fulfill the rights of persons with disabilities in obtaining jobs in Bantul Regency. In addition, employers can also create employment opportunities by fulfilling the criteria for prospective workers with disabilities according to their respective potentials.

For the author: Through this research, the author can expand their knowledge and understand the role of the Manpower and Transmigration Office in increasing employment opportunities for persons with disabilities in Bantul Regency.