



The Urgency of Disability Accessibility in Gorontalo District Government Agencies

Ismet Hadi¹, Upik Dyah Eka Noviyanti², Irwansyah Reza Mohamad¹, Mohamad Ilyas Abas¹

¹ Universitas Muhammadiyah Gorontalo, Indonesia

² Universitas Airlangga, Indonesia



Corresponding Author: Ismet Hadi

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Abstract

Accessibility is the facilities provided for persons with disabilities to realize equality and opportunity and all aspects of life and livelihood as ease of moving through and using buildings and the environment with due regard to fluency and feasibility. The purpose of this study was to determine the Gorontalo District regional government policy in implementing the Act relating to the accessibility of the needs of persons with disabilities. Particularly on the accessibility of persons with disabilities to government agencies in Gorontalo District based on Law No. 8 of 2016 concerning Persons with Disabilities and universal design principles implemented in Ministerial Regulation No. 14 of 2017 concerning Building Easiness Requirements. This research uses a normative a juridical type of research with a juridical empirical approach. The results showed that (1). Implementation of Law No. 8 of 2016 concerning Persons with Disabilities in Gorontalo Regency has not been implemented optimally (2). Obstacles found in government agencies in the Gorontalo District environment include government buildings not yet accessible for persons with disabilities. This means that the facilities provided do not meet the universal design principles of ease, usefulness, safety, and independence. The absence of regulations in the form of Regional Regulations and Regents as a legal umbrella related to the standard facilities and services that must be provided for persons with disabilities, and the lack of local budgets for the development and construction of facilities related to the accessibility of persons with disabilities.

Introduction

Physical disability should not be an obstacle for persons with disabilities to obtain the right to life and the right to defend their lives. The constitutional basis for the protection of persons with disabilities in Indonesia can be seen in the provisions of Article 28 A of the 1945 Constitution, namely: "Every person has the right to live and has the right to defend his life and life". The right to life is the most basic human right for all humans. The right to life is a part of human rights which has a non-negotiable nature (Purnomosidi, 2017).

Persons with disabilities are a diverse group of people, including persons with disabilities who have physical disabilities, mental disabilities, or a combination of physical and mental disabilities (Jones, 1997; Schur et al., 2005 Jaeger & Bowman, 2005). Besides, people with disabilities face greater difficulties compared to non-disabled people due to obstacles in

accessing public services, such as access to education, health services, as well as in terms of employment.

Indonesia also explicitly has Law No. 8 of 2016 concerning Persons with Disabilities which expressly provides protection regulating the position and rights of persons with disabilities. In article 1 paragraph (1) of Law Number 8 the Year 2016 concerning Persons with Disabilities, it is stated that: "Persons with disabilities are anyone who experiences physical, intellectual, mental, and/or sensory limitations for a long period who interact with the environment can experience obstacles and difficulties to participate fully and effectively with other citizens based on equal rights". Gorontalo Regency, especially as one of the autonomous regions in Gorontalo Province based its population, is expected to meet the fulfillment of human rights standards, especially in fulfilling the rights of persons with disabilities who need government services that provide services to the community, especially groups of people with disabilities, this is because public services are one form of state obligation towards the community as citizens (Indriyani, 2015).

Most of the agencies in the Gorontalo District government office complex in carrying out the service function to the community are still not available with accessibility for persons with disabilities. Gorontalo Regency as a state representative should guarantee every human right of all people, especially for persons with disabilities through the provision of accessibility because indeed persons with disabilities need special attention and facilities and infrastructure.

The author selects the Gorontalo Regency Regional Secretariat, Gorontalo Regency Social Service, Public Works, and Public Housing Agency as a case study. The site selection consideration is due to the agency having the responsibility to provide basic services to the public who need to pay attention to accessibility for all citizens regardless of special needs or not. From this description, this paper will answer the question of how the implementation of Law Number 8 of 2016 concerning Disabled Persons in Gorontalo District and what Policies have been made by the Gorontalo District Government in providing accessibility for people with disabilities.

Methodology

This study uses a normative juridical type of research with an empirical juridical approach, conducted by examining and interpreting theoretical matters relating to the principles, conceptions, doctrines, and legal norms relating to governance. The empirical juridical approach is the enforcement or implementation of normative legal provisions in action on every particular legal event that occurs in society (Muhammad, 2004). In other words, that is a study conducted on the actual situation or real situation that occurs in the community intending to find out and find facts and data needed. By examining normative juridical concepts related to research variables.

Results and Discussion

General Conditions of Persons with Disabilities

Around 15 out of 100 people in the world have a disability. Between 2-4 out of 100 people experience severe disability (World Report on Disability, WHO 2011). With increasing life expectancy, there is a tendency for people with disabilities to increase, especially if accompanied by inadequate health services (Ismandari, 2018). Global attention to the rights of persons with disabilities is reflected in Resolution Number A / 61/106 of the United Nations General Assembly on the Convention on the Rights of Persons with Disabilities (CPRD) which has invited all countries to pay attention to the problem of persons with disabilities, especially after the UN agreement came into force in 2008. Since then, many governments and

international institutions have turned their attention to the goal of including them in economic development.

To increase public awareness about disability, and provide support in efforts to improve the dignity, rights, and welfare of persons with disabilities, December 3 (three) was declared International Day of Persons with Disabilities (IDPWD) in 1992 by the General Assembly The United Nations IDPWD warning also aims to raise awareness of the benefits of the integration of persons with disabilities in every aspect of political, social, economic and cultural life (UN, 2018).

The Indonesian government signed the convention on March 30, 2007, in New York. The signing shows the seriousness of the Indonesian state to respect, protect, fulfill, and advance the rights of persons with disabilities, which in turn is expected to meet the welfare of persons with disabilities. To protect, respect, advance, and fulfill the rights of persons with disabilities, the Government of Indonesia has established various laws and regulations governing the protection of persons with disabilities.

Law No. 8 of 2016 concerning Disabled Persons has regulated the equality of rights and positions of persons with disabilities, but in reality, the implementation of the law still faces various obstacles. Some obstacles experienced include: to date, there are no representative data that describe the number and characteristics of people with disabilities; there is a negative stigma about people with disabilities who consider them a disgrace or family curse, thus hiding their existence.

Likewise, in employment there are still many who consider that people with disabilities are the same as being unhealthy, so they cannot be accepted as workers because one of the conditions for being a worker is physical and spiritual health. Likewise in terms of the availability of accessibility facilities for persons with disabilities where the availability of public facilities is not yet friendly to people with disabilities so that it can hamper their access and participation in various social activities.

For this reason, the Government should pay adequate attention to disabled persons. Included in terms of accessibility of public services. The reality on the ground shows the opposite condition, the lack of social and health service facilities and other services needed by persons with disabilities, including access to public services that can facilitate the lives of people with disabilities where most of the accessibility barriers are in the form of architectural barriers, making the disabled lose their right to get services well (Tamba, 2017).

Difficulty in accessing various public places, office buildings, and public transportation creates an additional burden for a person with disabilities. Tarsidi tried to describe some of the obstacles or problems faced by a person with a disability due to architectural design. Tarsidi divides these barriers over the main types of disabilities such as physical disability, sensory disability, and intellectual disability (Tarsidi, 2011). The following table contains the architectural obstacles faced by persons with disabilities. On the other hand, government policies relating to providing ease of access for persons with disabilities have not been fully complied with, and also there are no sanctions related to the neglect of granting access to persons with disabilities.

Table 1. Architectural Constraints for Persons with Disabilities

No	Category	Obstacles
1	Physical Disability	<ul style="list-style-type: none"> Sudden changes in the level of surface height, such as stairs or trenches.

		<ul style="list-style-type: none"> • There is no gentle sloping between the road and the sidewalk. • Not enough room for knees under the table or sink. • Not enough room to turn, door holes, and corridors that are too narrow. • A bumpy road surface (for example due to rocks) obstructs the wheelchair. • Doors that are too heavy and difficult to open. • Keys that are too high up. • The stairs are too high. • The floor is too slippery. • Move quickly through a turnstile or a door that closes automatically
2	Sensory disability	<p>Disable Blind:</p> <ul style="list-style-type: none"> • There are no directions or characteristics that can be heard or seen with limited vision indicating the number of floors in high rise buildings. • Small obstacles such as windows that open to the outside or billboards installed in pedestrians. • Blinding light or too dim. <p>Disable Deaf: Deaf disabled may not be able to understand announcements via loudspeakers at airports or public transport terminals. They also have difficulty reading lips in the auditorium with poor lighting, and they may not be able to hear the alarm.</p>
3	Intellectual Disability	People with intellectual disabilities will have difficulty finding a way in a new environment if there are no clear and standard directions

Accessibility of Persons with Disabilities in Government Agencies in Gorontalo District

Accessibility is the convenience that is provided for all people including people with disabilities and the elderly to realize equal opportunities in all aspects of life and livelihood. The accessibility standard of buildings, facilities, and the environment including detailed sizes and their application are regulated through Ministerial Regulation Number 14/PRT/M/2017 concerning Building Easiness Requirements.

Accessibility is important to realize equality, equality, position, and obligation rights as well as increasing the role of persons with disabilities and the elderly. Therefore, adequate, integrated/inclusive, and sustainable means and efforts are needed that can ultimately achieve the independence and welfare of persons with disabilities and the elderly. The provision of accessibility for disabled persons in public facilities and infrastructure can take the form of Physical and Non-Physical.

Provision of Facilities and Accessibility is the responsibility of every person or entity including government agencies in the implementation of the construction of buildings and the environment. In planning, and carrying out the construction of buildings and environment, must be equipped with the provision of facilities and accessibility and must meet the technical requirements of facilities and accessibility. Technical requirements for facilities and

accessibility to buildings and the environment include: (1) The basic size of space, namely the basic size of three-dimensional space (length, width, height) refers to the size of an adult human body, the equipment used, and the space needed to accommodate the movement of its users. (2) A pedestrian lane is a path used for walking or wheelchair seats for persons with disabilities independently designed based on the needs of people to move safely, easily, comfortably, and without obstacles. (3) Guide lane is a path that guides a person with a disability to walk by utilizing the texture of the guiding and warning tiles. (4) The parking area is the parking area of vehicles driven by people with disabilities so that a wider space for getting up and down a wheelchair is needed, rather than the usual parking lot. Whereas the area for passenger increment (Passenger Loading Zones) is a place for all passengers, including persons with disabilities to get on or off the vehicle. (5) The door is part of a site, building, or room which is a place to enter and exit and is generally equipped with a cover (door leaf). (6) Ram is a circulation path that has a certain inclination, as an alternative for people who cannot use stairs. (7) Stairs are facilities for vertical movements that are designed taking into account the size and slope of the footing and the incline to an adequate width. (8) Lifts are electrical-mechanical devices to assist vertical movements in buildings, both of which are used specifically for people with disabilities and who also double as goods lifts. (9) Stairway lifts are electrical-mechanical devices to assist vertical movements in buildings, which are used specifically for persons with disabilities individually. (10) Toilets are sanitation facilities that are accessible for everyone, including persons with disabilities and the elderly in buildings or other public facilities. (11) The shower is a shower facility with a shower that can be used by everyone, especially for wheelchair users. (12) The sink is a facility for washing hands, washing face, gargling, or brushing your teeth that can be used for everyone. (13) Telephone communication is provided to all people who are visiting a building or public facility. (14) Equipment and Control Equipment namely equipment and equipment in buildings that can make it easier for everyone (without exception persons with disabilities, parents, sick people, toddlers, and pregnant women) to control certain equipment, such as alarm systems, buttons / stop contacts, and the lighting. (15) Furniture, namely the placement/arrangement of the lay-out of building furniture and furniture items must leave/provide sufficient space and circulation for persons with disabilities. (16). Signs and Markings are facilities and building elements used to provide information, directions, markers, or instructions, including multimedia information and communication devices for persons with disabilities.

In principle, every building, facility, and environment must meet the 4 principles of facilities and accessibility, i.e (1) Safety, i.e. any building that is general in a built environment, must pay attention to the safety of all people. (2) Convenience, that is, everyone can reach all places or buildings that are common in an environment. (3) Use, that is, everyone must be able to use all the places or buildings that are common in an environment. (4) Independence, that is, everyone must be able to reach, enter, and use all the places or buildings that are common in an environment without the need for help from others.

The following is the provision of physical access in the form of public facilities and infrastructure as understood in the Act as follows: Accessibility to public buildings within buildings requires accessibility for persons with disabilities to and within buildings (1) accommodation buildings; (2) Office buildings and professional services, (3) shops and services, (4) warehousing buildings for storing goods; parking in a car; (5) laboratories and factories); (6) Health service buildings, (7) Public meetinghouses, (8) Four public places of entertainment; (9) Buildings for education.

Accessibility in buildings. In the Indonesian context, people with disabilities do not yet have the right to live as equals as others in Indonesia. This is evident from the National Development

Planning Agency (Bappenas) data which states that only 25 percent of people with disabilities can work in both the formal and informal sectors. Legislation that provides provision of Non-Physical accessibility for people with disabilities, is still general and has not explained in detail so that implementation in the region experienced several obstacles. Therefore, to implement it requires thorough knowledge and understanding of the meaning of the policy. Knowledge and understanding of the vision and mission of a policy will be obtained through socialization (Roebyantho, 2017).

Accessibility is a part of human life in their lives, so accessibility is very important because adequate human activities and accessibility are very important for people with disabilities. Equality of opportunity is defined as a situation that provides opportunities or provides access to the disabled to channel potential in all aspects of the administration of the state and society. With this equal opportunity, it is expected that people with disabilities can carry out their social functions in the sense of being able to integrate through communication and interaction naturally in social life (Shaleh, 2018). The purpose of accessibility is to provide facilities for persons with disabilities in carrying out daily activities and have the same opportunities and opportunities in obtaining public services for physical and non-physical accessibility.

Public services can be interpreted as service activities carried out by government actors to the community aimed at providing services in meeting the needs of the community by applicable provisions, which aim to realize a proper public service delivery system by the general principles of good corporate governance. The government is obliged to provide more services in the form of physical and non-physical accessibility.

Although there is already a Minister of Public Works Regulation No. 30 of 2016 concerning Technical Guidelines for Accessibility and Failure on Buildings and the Environment accessibility to achieve equality in the use of public buildings, government agencies, and government offices is rarely implemented. It can be seen from the transportation facilities that are not yet friendly to people with disabilities, the absence of sidewalks that support people with disabilities, the lack of vehicle parking that cannot be accessed by people with disabilities, narrow elevators, sanitation facilities that are still hollow and do not support and roads are slippery, bumpy, uneven which makes it difficult for people with disabilities who will pass through it. Besides that, although there are laws that regulate the accessibility of persons with disabilities, so far no sanctions have been implemented, not to mention the diverse needs of various types of needs of persons with disabilities that do not make it difficult to implement the law relating to the rights of persons with disabilities.

Table 2. Accessibility Indicators Based on Minister of Pui Regulation No. 30 of 2016 concerning Technical Guidelines for Bankruptcy and Accessibility in Buildings and the Environment

No	Observed aspects	Number of Indicators
1	The basic concept of space	3 indicator
2.	Pedestrian Path	10 indicator
3.	Parking area	9 indicator
4.	Guiding track	8 indicator
5.	Door	10 indicator
6.	Ramp	7 indicator
7.	Stairs	8 indicator
8.	Lift	11 indicator

9.	Toilet	8 indicator
10.	Shower	4 indicator
11.	Wastafel	5 indicator
12.	Furniture	3 indicator
13.	Signs and markers	7 indicator

Implementation of Law No. 8 of 2016 concerning Persons with Disabilities in Gorontalo District

Disability is known as a person with a disability. Law of the Republic of Indonesia Number 19 of 2011 concerning Ratification of the Convention on the Rights of Persons with Disabilities (the Convention on the Rights of Persons with Disabilities) no longer uses the term persons with disabilities, replaced with persons with disabilities. Persons with disabilities are people who have physical, mental, intellectual, or sensory limitations in the long term, where when they are faced with various obstacles, this can both make it difficult to participate fully and effectively in a society based on equal rights. Based on the results of the Ministry of Social Affairs (2012) in Socio-Cultural and Educational Module (MSBP), the percentage of women with disabilities nationally is 2.55% of the total population. According to the area of residence, women with disabilities in urban areas are relatively lower than in rural areas, which is 2.28% compared to 2.81%. Compared to women, the percentage of men with disabilities is relatively lower, both in urban and rural areas.

By province, the highest percentage of women with disabilities was in Gorontalo at 4.75% while men in Bengkulu were 4.20%. Meanwhile, the lowest percentages for both women and men with disabilities were found in Papua, respectively 0, 86%, and 1, 21%. Based on the definition published by the Ministry of Social Affairs in 2005, the causes of disability can be divided into 3 (three), namely disability due to accidents (victims of war, riots, work / industrial accidents, traffic accidents, and other accidents), disabilities from birth or when in the womb, including people with disabilities due to hereditary diseases, and disabilities caused by diseases (polio, venereal disease, tuberculosis, leprosy, diabetes, etc.). The Ministry of Social Affairs' (2012) results show that in general the causes of disability for women are due to other diseases by 64.98%, then from birth by 14.56%, and accidents / natural disasters by 13.64%.

Meanwhile based on Gorontalo Province Social Service data (Mano, 2019) shows that the number of persons with disabilities is quite large. There are 5,816 people with disabilities spread in five districts and one city. The number consists of 647 people in Gorontalo City, 2,003 people in Gorontalo Regency, 639 in North Gorontalo, and Pohuwato, Bone Bolango, and Boalemo respectively 1,150, 981 and 396 people. That number does not include the category of Children with Disabilities (ADK) in Gorontalo, 184 people, Gorontalo District 305 people, North Gorontalo District 14 people, Pohuwato Regency 124 people, and Bone Bolango Regency and Boalemo Regency 232 and 169 people respectively.

While the 2003 Susenas data shows that by type and province the number of persons with disabilities in Gorontalo Province is 22,808 people (BPS, 2003). Meanwhile, the number of poor people with disabilities based on PPLS 2008 was 4,556 with details of Blind / Color Blind as many as 1,105, Deaf / Deaf as much as 561, Deaf / Mute as many as 490, Deaf and Deaf as many as 158, Disabled members as many as 1,134, Paralyzed 552 and Mental Disability as much as 112. Meanwhile, based on BPS data, the 2009 Susenas number of people with disabilities by province and type of area was 900,300 people. With that many persons with disabilities, the Gorontalo District government should provide services and accessibility for

persons with disabilities in their areas. However, the majority of policies concerning persons with disabilities in several regencies or cities seem to be limited to discourse. Ironically, this is compounded by the fact that many regencies and cities have not considered at all the urgency of the issue of accessibility for persons with disabilities in the policies they have designed. In fact, in Law Number 25 of 2009 concerning Public Services, article 29 states that the organizer has the right to provide services with special treatment to certain community members by laws and regulations. However, in reality, there are not many policymakers in the region who realize how important it is to provide facilities and infrastructure for their accessibility for persons with disabilities.

On the other hand, most people with disabilities also seem to lack or are not aware of their right to obtain service facilities that they have access to in public places so that they can carry out their activities as normal people do. who come from people with disabilities. On the other hand, people with disabilities seem to surrender to their conditions, while the wider community lacks information so that it is less sensitive to the urgency of accessibility for persons with disabilities. Since the issuance of the legal products of the central government, facilities that are friendly to persons with disabilities on the streets and in government offices have not experienced significant changes. This also happened in Gorontalo District. Based on preliminary observations there are still many public facilities in Gorontalo District both owned by government agencies and private agencies that are not yet friendly to people with disabilities. Among them is still not accommodating the needs of people with disabilities is the lack of maximum access for people with disabilities such as the lack of special lanes in several public buildings for wheelchair users. The social point of view of the community that still puts persons with disabilities as a weak group. Calling it with flawed words seems to put personal blame on people with disabilities, even though the lack of physical perfection is not a mistake and certainly not something that is desired. Law No. 8 of 2016 regulates in more detail the rights of persons with disabilities in various fields and the existence of disability-inclusive development can be said to be the right of persons with disabilities in Indonesia. In the Disability Law, inclusive development aspects consist of welfare, access to various public services, access to work, self-empowerment, and development participation.

The problem that arises is to carry out the fulfillment of the rights of persons with disabilities, according to Law No. 8 of 2016 (Article 27), is the Central Government (the President of the Republic of Indonesia, assisted by the Vice President and the Ministry / Institution) and the regional government — they are parties who are required to plan, implement and evaluate efforts to fulfill the rights of persons with disabilities. Law No.8 / 2016 does not appoint a ministry/institution that is a leading institution for the fulfillment of disability rights, which indicates that to ensure the fulfillment of the rights of persons with disabilities that are cross-sectoral, various ministries/institutions have the responsibility and role to guarantee their fulfillment.

At the regional level, there are quite a lot of government agencies that have duties/responsibilities related to disability issues. In addition to regional leaders, regional agencies that have quite a dominant role in disability issues include Bappeda, the social service, the health service, the education service, and the employment service. There are regions in Indonesia (both provincial and district/city) that have issued local regulations. However, in Gorontalo District, there is no regulation related to disability accessibility due to the low attention of the local government towards persons with disabilities.

Obstacles experienced by Gorontalo District in fulfilling service rights to persons with disabilities in Gorontalo Regency

The lack of special physical and non-physical facilities provided by the Government of Gorontalo Regency. The implementation of the construction of public buildings and government agencies to provide accessibility services for residents with physical disabilities has not been implemented effectively in Gorontalo District so that people with physical disabilities cannot obtain adequate services. from the government

The absence of local regulations as a legal umbrella related to standard facilities and services that must be provided in the field of public services for persons with disabilities. The obstacles faced by government agencies in providing facilities for persons with disabilities so far are because there are no regulations in the form of regional regulations. Even though local regulations are needed to accelerate efforts to provide facilities for people with disabilities. So far, there is only one legal product that has been made by Gorontalo District related to policies on persons with disabilities. Namely the Regulation Guidelines for the Implementation of Social Assistance Programs for Persons with Disabilities Fiscal Year 2017. Where the focus is still limited to assisting people with disabilities. While regulations relating to the provision of facilities and special services for persons with disabilities in public spaces, especially in Gorontalo Regency government agencies, do not yet exist. The making of local regulations can increase the budget for the fulfillment of the rights of persons with disabilities. Regarding the making of local regulations, not all regions have local regulations concerning persons with disabilities.

There are no priorities for the development and development of physical and non-physical services specifically provided for persons with disabilities.

The lack of government funds, especially in the development of services that are prioritized for people with disabilities. Due to the absence of local regulations related to the provision of facilities for persons with disabilities, it has the consequence of funding to build access for persons with disabilities is also not a priority with a small amount.

Conclusion

Based on the description above, it can be concluded that accessibility to persons with disabilities is based on Law No. 8 of 2016 concerning Disabled Persons has not demonstrated the Government's commitment and sincerity to respect, protect and fulfill the rights of persons with disabilities. This has been proven not to be fully implemented by the Minister of PUPR Regulation No. 14 of 2017 concerning Building Requirements. To that end, Gorontalo District Government is obliged to realize the rights of persons with disabilities that are regulated in existing legislation, including ensuring the fulfillment of the rights of persons with disabilities in all aspects of life. So that the implementation of respect, protection, and fulfillment of the rights of persons with disabilities can be realized optimally.

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