

Protection of Disability in the World of Work Through Law Number 8 of 2016

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Abstract

Persons with disabilities in Indonesia continue to face numerous obstacles in accessing decent employment, despite the enactment of legal protections such as Law Number 8 of 2016, which is intended to safeguard their rights. Although this regulation is intended to serve as a strong foundation for promoting equality in the labor market, its implementation has not yet met expectations. Findings from this study indicate that the policy's implementation remains suboptimal due to weak institutional oversight, limited employer awareness of the capabilities of persons with disabilities, inadequate workplace accessibility, insufficient dissemination of disability rights, lack of incentives for inclusive employers, and the scarcity of necessary support facilities. These issues were identified through legislative, conceptual, and comparative approaches involving both primary legal materials and relevant secondary sources. To foster equal employment opportunities, strategic measures are needed, such as strengthening labor supervision systems, offering fiscal incentives to inclusive companies, improving the physical accessibility of work environments, and providing comprehensive job training programs tailored for persons with disabilities.

Keywords: *People with disabilities, Policy Implementation, Employment Inclusion, Accessibility*

A. INTRODUCTION

The Indonesian government has enacted Law Number 8 of 2016 and Law Number 19 of 2011 as the legal foundation for protecting the rights of persons with disabilities in obtaining decent work. However, in practice, persons with disabilities still face numerous obstacles in both formal and informal work environments. Every legal system, including Indonesia's as a rule of law state, holds the responsibility to protect human rights. Therefore, attention to human rights violations especially discrimination against persons with disabilities must be a national priority (Sanjaya, 2019)

The legal obligation requiring private companies to employ at least 1% of workers with disabilities, and government agencies at least 2%, has not been effectively implemented. This is largely due to low corporate motivation and inadequate supporting infrastructure. Labor law experts use the principle of social inclusion and John Rawls' theory of justice as the basis for understanding the protection of disabled workers. Disability scholars argue that the primary challenge lies not in the physical or mental limitations of persons with disabilities, but in the social and environmental structures that remain inaccessible and unaccommodating.

Policymakers need to design labor regulations that emphasize systemic improvements rather than relying on charity-based approaches. A rights-based approach is essential to ensure that persons with disabilities are treated as legal subjects with equal rights, not merely as recipients of pity. A progressive policy framework will help create a more inclusive, equitable, and sustainable work environment for all individuals.

Academics have mapped out several obstacles in the implementation of labor protection policies for persons with disabilities. Research shows that the absence of reliable data, low levels of education, inaccessible infrastructure, and inconsistent policy implementation are major barriers to achieving fair employment opportunities (Widjaja et al., 2020). Furthermore, labor inspectors face serious challenges, such as weak supervision of quota implementation, limited incentives for companies, inaccessible workplaces, and multiple layers of discrimination particularly against women with disabilities (Wahyu Kartiko Utami, 2019).

Many companies in Indonesia still lack a proper understanding of the principles of social inclusion in employment, which include awareness, accessibility, participation, and support. Regulatory bodies must strengthen their policies and supervisory mechanisms to improve compliance with the mandated quotas for employing persons with disabilities (Siti Nurhayati, 2020). In addition, the Ministry of Finance can provide fiscal and non-fiscal incentives to encourage inclusive hiring, while the Ministry of Manpower can develop inclusive job training programs tailored to industry needs as a practical step toward better protection and employment opportunities.

Although the aforementioned studies provide significant insight, they have yet to propose an innovative protection model using a comparative approach from other countries. Therefore, this paper contributes a timely update by offering policy recommendations for a more effective protection system for disabled workers, based on a study of Law Number 8 of 2016 and Law Number 19 of 2011, as well as lessons learned from disability employment policies in Thailand and Taiwan. While Indonesian lawmakers have issued relatively progressive regulations, their implementation still faces serious challenges. Researchers aim to identify the root causes of these issues and formulate effective solutions to ensure better protection for persons with disabilities in the labor market.

B. RESEARCH METHODS

This study uses a normative legal (Tinambunan, 2018) methodology by adopting a legislative approach and a comparative approach. The sources of legal materials utilized include primary legal materials, namely Law Number 8 of 2016 concerning Persons with Disabilities and Law Number 19 of 2011 concerning the Ratification of the Convention on the Rights of Persons with Disabilities, supplemented by secondary legal materials in the form of academic journals, literature, and study results related to employment of persons with disabilities. Data collection was carried out through a literature review to evaluate related laws and literature. The collected data were then processed qualitatively using a descriptive-analytical method to examine the implementation of protection for workers with disabilities in Indonesia and compare it with best practices in other countries to formulate more inclusive policy proposals.

C. RESULTS AND DISCUSSION

1. Implementation of Disabled Workers Protection Policy in Indonesia

Not only citizens with perfect physical and mental conditions have the right to receive protection and guarantees of rights, but efforts to protect the rights of vulnerable groups, including people with disabilities, also need to be strengthened (Ismail Shaleh, 2018). Various regulations have been made in Indonesia to guarantee the rights of people with disabilities in the employment sector, including Law Number 8 of 2016 concerning Persons with Disabilities and the ratification of the UN Convention on the Rights of Persons with Disabilities which was stipulated through Law Number 19 of 2011 (Widjaja et al., 2020). One of the important provisions in this law is the obligation for private companies to employ at least 1% of disabled workers, while government agencies, BUMN, and BUMD are required to employ at least 2% of disabled workers (Indonesia, 2016). However, the implementation of the policy still faces various challenges.

One of the main problems is the low level of company compliance in implementing the quota provisions for disabled workers. Many companies, including Regional-Owned Enterprises (BUMD), have not carried out their obligations to employ people with disabilities in accordance with applicable regulations. (Nauli Zahra, Elviana, 2024). This shows that even though regulations have been set, their implementation has not been optimal. In addition, the lack of understanding and awareness of the importance of inclusivity in the work environment also has an impact on the implementation of this policy. Many companies have not developed policies or programs that support the recruitment process and work sustainability for people with disabilities. If there are no proactive steps in building an inclusive work environment, people with disabilities will continue to experience difficulties in obtaining fair and equal employment opportunities.

Law Number 8 of 2016 concerning Persons with Disabilities is the main legal basis for guaranteeing the rights of persons with disabilities in Indonesia. One of the important provisions in this regulation is the obligation for private companies to recruit at least 1% of disabled workers, while government agencies, BUMN, and BUMD are required to employ at least 2% of disabled workers (Indonesia, 2016). Law Number 8 of 2016 guarantees equal rights and opportunities for people with disabilities in

various aspects of life, including access to education, employment, a decent standard of living, equal involvement in national development, accessibility, and rehabilitation (Siti Nurhayati, 2020). This law reflects the Indonesian government's commitment to eliminating discrimination against people with disabilities and actively supporting and providing services for them. In addition, this law emphasizes that public programs must be inclusive and easily accessible to people with disabilities. However, even though this regulation has been enacted, its implementation in the field still faces various challenges. Many companies have not met the quota set, either due to a lack of understanding of the applicable regulations or because they are not ready to create a work environment that is friendly to people with disabilities. In addition, supervision and law enforcement related to the implementation of this law have not been running optimally, so that many companies do not have a strong incentive to comply with it (Dewi et al., n.d.). On the other hand, the government has tried to increase awareness and understanding of the importance of inclusion of disabled workers through various socialization and training programs. However, these efforts still need to be expanded to reach all levels of society and various industrial sectors. In addition, a more effective incentive mechanism is needed for companies that employ people with disabilities, so that it can encourage more companies to contribute to creating an inclusive work environment (Riski Wicaksono, 2018).

2. Barriers to Protection and Employment Opportunities for Workers with Disabilities

Various obstacles in obtaining equal protection and employment opportunities are still faced by people with disabilities in Indonesia. The biggest obstacle is the negative views and unfair treatment that are still deeply embedded in the community and professional environment. Derogatory assumptions about their capabilities often become a barrier to obtaining suitable employment (Dnetwork.net, 2023). Employment plays a crucial role for people with disabilities, especially since many of them are still unemployed and often face social stigma (Alizah et al., 2023). Working not only helps prevent poverty, but also contributes to their well-being and health. (Vornholt et al., 2018).

Accessibility of physical and non-physical facilities in the work environment is still a major obstacle. Not a few business entities have not provided infrastructure that

is friendly to people with disabilities, for example easy physical access and supporting technological tools. This condition causes those with special needs to have difficulty in being fully involved in work activities (Skala, 2024). The lack of appropriate training and skills development is also a barrier for individuals with special needs. Various work skills development programs have not been created with an all-inclusive approach, resulting in those with disabilities not getting the opportunity to advance the skills needed in the world of work (Dewi et al., n.d.).

One of the biggest challenges for people with disabilities in getting decent jobs is the stigma and discrimination in society. Many companies still doubt their ability to carry out work tasks, so they are reluctant to recruit them. In addition, the lack of understanding about the various types of disabilities and special needs that may be required is also an obstacle (Riski Wicaksono, 2018). Another obstacle faced is limited accessibility in the work environment. Many workplaces do not provide facilities that support the needs of people with disabilities, such as access for wheelchair users, appropriate toilets, or hearing aids for those with hearing impairments. The lack of these facilities makes it difficult for people with disabilities to adapt and work optimally (Talenta, 2024).

The limitations in education and skills possessed by some people with disabilities also become a barrier to obtaining decent work. Limited access to inclusive education and skills training makes them less competitive in the world of work. This situation is made even more difficult by the lack of job training programs specifically designed to suit their needs, so that opportunities to improve the competencies and skills required by industry become more limited (Dewi et al., n.d.).

3. Strategies to Enhance Protection and Create an Inclusive Work Environment

To improve the effectiveness of protection for workers with disabilities and create a more inclusive work environment, a comprehensive and collaborative approach is needed between the government, the private sector, and the community. Here are some strategies that can be implemented:

a. Raising Awareness and Education

Understanding of the rights and potential of people with disabilities needs to be improved through more massive education and socialization in various sectors.

To that end, education and socialization programs can be held through various platforms, such as media, seminars, and workshops, by involving people with disabilities as speakers. This step aims to reduce the stigma and discrimination that still occurs in the social environment (Riski Wicaksono, 2018).

b. Providing Accessible Facilities and Infrastructure

A work environment that supports the needs of people with disabilities needs to be realized through the provision of more accessible facilities and infrastructure. This includes providing access for wheelchair users, appropriate toilet facilities, hearing aids, and other adjustments according to the needs of disabled workers. With adequate facilities, they can work more comfortably and optimally (Jordhi Farhansyah, 2024).

c. Inclusive Training and Education Development

Collaboration between government and the private sector is needed to provide inclusive training and education programs for people with disabilities. These programs must be tailored to industry needs and individual capabilities, so that they can develop skills and competencies that are relevant to the job market (Dewi et al., n.d.).

d. Incentives for Companies that Employ People with Disabilities

In order for more companies to hire people with disabilities, the government can offer incentives such as tax breaks or subsidies. These policies can encourage companies to build a more inclusive work environment and comply with established regulations (Riski Wicaksono, 2018).

e. Strengthening Supervision and Enforcement of Regulations

The government must strengthen the supervision system and law enforcement in implementing Law Number 8 of 2016. This includes the imposition of sanctions on companies that do not fulfill their obligations in recruiting disabled workers. Stricter supervision and strict implementation of sanctions are needed so that companies comply with regulations and ensure that the protection of disabled workers is effective (Yonada Nancy, 2023).

f. Implementation of Disability Protection Policy in Thailand

The results of this study show that the employment rate of persons with disabilities (PWD) in Thailand remains at a very low level. Only about 8% of

PWD have successfully secured jobs in the competitive labor market (Cheausuwantavee & Keeratiphantawong, 2021). The majority of PWDs basically want to work in the formal sector, but they still face various obstacles, such as limited accessibility to public facilities and work environments. They also need additional assistance in the form of adequate access to housing and transportation to be able to work effectively.

The Persons with Disabilities Empowerment Act 2007 establishes a rights-based framework for persons with disabilities (PWDs) in Thailand, emphasizing anti-discrimination measures and ensuring equal participation in social, economic, and political activities, including access to necessary facilities and services, while also setting employment provisions that require employers, business owners, and state agencies to hire PWDs in suitable positions through a quota system mandating that they constitute at least 1% of the total workforce, and if employers fail to meet this requirement, they must contribute to the National Disability Fund or alternatively support PWD employment through methods such as granting concessions, providing designated spaces for selling goods or services, or subcontracting jobs to PWDs, with non-compliance resulting in a written order enforcing property garnishment, as outlined in Sections 33, 34, 35, and 36 of the law (Cheausuwantavee & Keeratiphantawong, 2021).

The Thai government has implemented a job quota policy for persons with disabilities (PWD) through the Persons with Disabilities Empowerment Act of 2007. This regulation requires companies to employ at least 1% of PWD from their total workforce. However, many employers prefer to pay financial penalties to the National Disability Fund rather than hire PWD (Cheausuwantavee & Keeratiphantawong, 2021). This phenomenon illustrates that the applicable regulations are still not effective enough in encouraging companies to seriously open up employment opportunities for people with disabilities.

The negative attitudes of employers and society remain a major barrier to employment for PWDs, as many employers still doubt their capabilities and perceive them as less productive, making them reluctant to hire PWDs for important positions (Cheausuwantavee & Keeratiphantawong, 2021). This discrimination occurs not only in the recruitment process, but also in the pay

system and career development opportunities. Challenges in the acquisition or employment phase include negative attitudes from employers and coworkers, inaccessible workplaces, and unequal wages and salaries based on disability.

The government and other stakeholders need to collaborate to enhance employment opportunities for persons with disabilities, as effective change requires dedicated and sustained support through cooperation with all parties concerned with social justice (Cheausuwantavee & Keeratiphantawong, 2021). In addition, companies should be given incentives to be more motivated in creating an inclusive and friendly working environment for PWDs. With more concrete actions, it is hoped that the employment rate for people with disabilities can increase significantly in Thailand.

g. Implementation of Disability Protection Policy in Taiwan

The employment services for persons with disabilities (DES) in Taiwan have achieved a relatively high success rate, with 68.7% of clients in this study securing employment after participating in DES, a figure that slightly exceeds the success rate in the United States, which ranges between 62% and 66.3%(Jang & Lin, 2014). This success proves that the DES program has a positive impact in helping people with disabilities enter the workforce.

Factors influencing employment success include prior work experience, education level, vocational qualifications, and the type of disability a person has, with clients who had full-time work experience in the two years prior to participating in DES being 1.82 times more likely to secure employment compared to those without prior work experience (Jang & Lin, 2014). Temporary Clients with useful vocational qualifications are twice as likely to secure employment compared to those without such qualifications, while clients with a college education or higher have a 1.82 times greater chance of getting a job than those with only a high school education or lower (Jang & Lin, 2014).

The type of disability significantly impacts employment opportunities, with persons with visual impairments achieving the highest employment success rate at 86.6%, followed by those with hearing impairments (74.1%), intellectual disabilities (73.9%), physical disabilities (61.9%), other disabilities (65.9%), and the lowest rate among persons with psychiatric disabilities (50.7%) (Jang & Lin,

2014). People with psychiatric disabilities face more complex barriers than other groups, including social stigma, lack of work experience, and difficulty maintaining employment due to their mental health condition. Pre-employment and post-employment services make important contributions to employment success. Indeed, clients who receive fewer pre-employment services but more post-employment services tend to have a greater chance of finding employment, and post-employment services that include additional training, on-the-job support, and assistive technology have been shown to improve employment success for people with disabilities. Supported employment (SES) programs also play a crucial role, especially for people with intellectual or psychiatric disabilities.

People with mental disorders who receive SES have better chances of getting competitive jobs, higher wages, and longer working hours than those who do not receive such services. In terms of government policy, Taiwan has implemented a labor quota system to ensure that people with disabilities have better employment opportunities. Organizations with more than 34 or 67 employees must ensure that 3% or 1% of their workforce, respectively, consists of persons with disabilities, and those failing to meet this quota are required to pay a fine however, while this policy has been effective in increasing employment opportunities, the employment rate of persons with disabilities in Taiwan remains at only 26.6%, which is still significantly lower than the employment rate of persons without disabilities 53.7% (Jang & Lin, 2014).

People with disabilities who have work experience since school age tend to be better prepared to face the world of work than those who only look for work after graduating. To increase the employment rate of people with disabilities, the Taiwanese government is expected to expand work-based vocational training programs or on-the-job training, so that people with disabilities can gain work experience before entering the labor market. This study indicates that the success of employment programs for individuals with disabilities depends not only on government policies but also on the involvement of various parties, including companies, educational institutions, and society, requiring the Taiwanese government to continuously develop policies that support labor inclusion, such as

improving access to higher education, vocational training, and more comprehensive post-employment services (Jang & Lin, 2014). With a more inclusive and strategic approach, it is hoped that employment opportunities for people with disabilities can increase significantly in the future.

h. Realizing Employment Inclusion for Indonesian People with Disabilities Through Learning from Taiwan and Thailand

Indonesia needs to implement a comprehensive strategy to expand employment opportunities for people with disabilities and ensure the protection of their rights in the workplace. The Indonesian government should strengthen the implementation of Law Number 8 of 2016 on Persons with Disabilities, ensuring full compliance by private companies and government agencies with the established quota for disabled workers. Taiwan has successfully increased the employment rate of individuals with disabilities to 68.7% through the Disability Employment Service (DES), which includes industry-based skills training and post-employment mentoring (Jang & Lin, 2014). Indonesia can adopt a similar model by strengthening job training programs and vocational rehabilitation services to support people with disabilities in obtaining and retaining employment.

Thailand faces challenges in implementing its disability employment quota policy, as many companies prefer to pay fines rather than hire individuals with disabilities (Cheausuwantavee & Keeratiphantawong, 2021). Indonesia must ensure that the quota system for people with disabilities is effectively implemented, with incentives for companies that comply and stricter sanctions for those who violate it. The Indonesian government also needs to develop more school-to-work transition programs, following the practice that has been done in Taiwan, to improve the readiness of the disabled workforce to face industry demands.

Indonesia also needs to address stigma and discrimination against workers with disabilities. Negative employer attitudes and limited accessibility in Thailand are major barriers to workers with disabilities, which are also challenges in Indonesia. The government and civil society organizations need to increase socialization and awareness campaigns about the importance of

inclusion of workers with disabilities and ensure workplace infrastructure is more friendly for them. Post-employment services in Taiwan have been proven to increase the retention rate of workers with disabilities through mentoring and additional training after they secure a job (Jang & Lin, 2014). Indonesia can implement a similar policy by providing long-term assistance to disabled workers, so that they can better adapt to the work environment and develop a more stable career.

The Indonesian government can significantly improve the employment rate for people with disabilities by adopting policies and best practices that have been implemented in Taiwan and Thailand, while adapting them to the social, economic, and cultural conditions in the country. By implementing appropriate measures, such as strengthening inclusive policies, providing skills training that is in line with industry needs, and providing incentives to companies that employ people with disabilities, employment opportunities for this group can be expanded. If these efforts are carried out continuously and consistently, people with disabilities in Indonesia will not only gain access to better jobs, but also receive better protection in an inclusive and sustainable work environment.

D. CLOSING

The results of the study show that although regulations related to the protection of disabled workers have been available in Indonesia, their implementation still faces various challenges, such as Law Number 8 of 2016 concerning Persons with Disabilities, its implementation still faces various challenges. The main obstacles in the protection of disabled workers include the lack of socialization and understanding of the law among the community and companies, as well as limited infrastructure that is accessible to people with disabilities. In addition, negative views and discriminatory treatment are still the main obstacles in realizing equal employment opportunities for people with disabilities. Therefore, real efforts are needed to optimize the implementation of existing policies in order to create a more inclusive and supportive work environment for them.

In an effort to improve the protection of disabled workers, it is recommended that the government strengthen supervision and the application of sanctions for companies that do not meet the provisions of Law Number 8 of 2016. In addition,

increasing incentives, both in the form of fiscal including tax relief, salary subsidies, or financial assistance for companies that employ people with disabilities, or non-fiscal in the form of awards, special assistance, or regulatory facilities to support the inclusion of disabled workers. For companies that recruit disabled workers, it needs to be expanded to encourage greater involvement in the world of work. In addition, companies must also be more proactive in increasing awareness and understanding of the importance of inclusion of disabled workers through education and socialization programs that are carried out routinely.

Improving accessibility in the workplace should be a top priority in employment policy in Indonesia. Providing physical facilities that are disability-friendly, such as wheelchair ramps and lifts, is essential to support the mobility of disabled workers. Assistive technology such as screen reader software also needs to be provided so that they can work optimally. In addition, inclusive job training will help improve skills, so that the productivity of disabled workers can be maximized. Cooperation between the government, business world, and society plays an important role in creating a fair work environment. The employment system is expected to be more inclusive without discrimination for anyone.

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